



FROM SLAVES TO PRISONERS OF WAR

THE OTTOMAN EMPIRE, RUSSIA,
AND INTERNATIONAL LAW

Will Smiley

OXFORD

THE HISTORY AND THEORY OF
INTERNATIONAL LAW

From Slaves to Prisoners of War

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In the past few decades the understanding of the relationship between nations has undergone a radical transformation. The role of the traditional nation-state is diminishing, along with many of the traditional vocabularies which were once used to describe what has been called, ever since Jeremy Bentham coined the phrase in 1780, “international law.” The older boundaries between states are growing ever more fluid, new conceptions and new languages have emerged which are slowly coming to replace the image of a world of sovereign independent nation states which has dominated the study of international relations since the early nineteenth century. This redefinition of the international arena demands a new understanding of classical and contemporary questions in international and legal theory. It is the editors’ conviction that the best way to achieve this is by bridging the traditional divide between international legal theory, intellectual history, and legal and political history. The aim of the series, therefore, is to provide a forum for historical studies, from classical antiquity to the twenty-first century, that are theoretically informed and for philosophical work that is historically conscious, in the hope that a new vision of the rapidly evolving international world, its past and its possible future, may emerge.

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From Slaves to Prisoners of War

*The Ottoman Empire, Russia,
and International Law*

WILL SMILEY

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For Madhavi

Series Editors' Preface

European attitudes to the Ottoman Empire changed in the fifteenth and sixteenth centuries when new accounts of the Ottoman state and society became available, such as the *Tractatus de moribus, conditionibus et nequicia Turcorum* (1481) by George of Hungary, who had been enslaved for twenty years by the Ottomans. Important thinkers, like the sixteenth-century political and legal theorist Jean Bodin (1530–96), absorbed this body of new information and integrated it into their political and legal thought. Military discipline, the meritocratic nature of Ottoman society, the efficient administration of justice and, above all, religious toleration toward Christians and Jews were noted and seen as political and constitutional virtues.

In the present book, which is organized around Ottoman rivalry with the Russian Empire during the period 1700–1878, Will Smiley shows that in the domain of what we today call international humanitarian law, or the law of war, there was, centuries after Bodin, another important set of normative practices and rules of Ottoman provenance that influenced Western Europe, before European ideas started influencing the Ottoman Empire in turn. Smiley gives a fascinating account of how in the eighteenth and nineteenth centuries the Ottoman and Russian empires negotiated a body of rules governing the laws of war and captivity during a period of nearly constant rivalry and warfare between the two empires. Toward the end of the eighteenth century this distinctly Eurasian international law of captivity was embraced, Smiley argues, by European powers such as Austria, Poland, and even by the world powers France and Britain. Military captivity under the Ottomans emerges in this account as an increasingly rule-governed domain. From mass enslavement of enemy civilians Constantinople moved, over a long period of time and in constant negotiation with Russia and actors on the ground, toward a set of rules that no longer countenanced enslavement and ransom, but instead foresaw a prisoner-of-war regime. This regime developed as the result of a bargaining process that involved not only empires, but individual captors and captives alike, and it emerged largely independently from analogous European developments.

It was not until the Crimean War, Smiley argues, that the European powers became central to the development of this body of rules and brought diplomatic and humanitarian pressure to bear on an already “Europeanizing” Ottoman Empire. Smiley’s Eurasian international law of captivity has its geopolitical center of gravity around the Black Sea, assuming a perspective that is as unconventional for historians of international law as it is fruitful. But Smiley’s approach does not just offer an unfamiliar Black Sea legal history of military captivity, it also gives us a detailed and challenging account—a case study—of the historical emergence of international legal rules. For Smiley, these rules are the result of bargaining and practices on the ground: practices generated normative expectations and turned,

eventually, into rules. International law, that is, emerged in a way reminiscent of Humean convention; legal norms are not, first and foremost, emanating from the will of sovereign states, but they are the negotiated result of imperial interests and ideas, as well as of captors' and captives' interests and ideas.

But what, in the last analysis, effected this change from a regime of slavery and ransom to rule-governed captivity and prisoner-of-war status? What Smiley's account of the regional emergence of customary and treaty-based international law seems to offer is an explanation in terms of coinciding imperial interests and preferences of those involved, an account, that is, that seems implicitly skeptical of a more richly normative notion of the emergence of legal norms. The norms of captivity that interest Smiley develop as the result of an effort at coordination where interests, not ideas, call the shots. Normative ideas, it is true, do play a role in Smiley's account, in that the Ottomans are said to have been guided by notions of imperial legitimacy and a commitment to legal tradition, while the Russians, concerned with their place among European powers, saw themselves as defenders of Orthodox Christianity. But not only do these ideas carry the faint smell of interest, they also seem decidedly less important than material factors. It was Ottoman defeats in war, above all, which ended large-scale raiding and drove efforts at military reform. The needs of military power, that is, and the changing nature of warfare were behind much of the legal changes described in this book. Similar structural forces were behind analogous developments within the empires of Europe, Smiley points out, which makes these at first sight astonishing parallels more amenable to explanation.

The evolution of rules is on this view due to a convergence of interests. But, interestingly, there is some evidence that acceptance and compliance with those rules, as opposed to their emergence, was actually motivated by those rules themselves, at least to an extent, which might lead one to conclude that while the emergence of the "Eurasian" or "Black Sea law of captivity" was due to strategic interests and other, non-legal reasons, acceptance and compliance with that body of law seems to have at least at times been driven by legal reasons proper. In addition to its novel, long-term focus on legal developments in Eurasia, and all the while firmly historico-empirical in its emphasis, this book will stimulate further thinking not only on the history but also on the theory of the emergence and acceptance of international law.

Benjamin Straumann

New York City
January 17, 2018

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¹ Smiley, "Network of Violence"; Smiley, "Meanings of Conversion"; Smiley, "Let *Whose* People Go."

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Names, Dates, and Citations

Place names are given in the accepted English version, if this exists; if not, the current name is used. This, following Donald Quataert, “is not intended necessarily to endorse the policies of those who changed the name.”¹ For treaties named after places, the accepted English version of the treaty name is given, even if the place itself would be known differently (for example, Treaty of Sistova, rather than Treaty of Svishtov). An exception is made for Küçük Kaynarca, as this town’s name is composed of two Turkish words, and there is no consistent or elegant English transliteration.

All dates in the text are Gregorian (New Style), but on the rare occasions when I list archival documents by their dates, these remain in the original format (which is Julian/Old Style for Russian and early British documents).

Ottoman Turkish has been transcribed according to the New Redhouse dictionary,² but all authors’ names are given as transcribed in their own works. For critical editions of Ottoman texts, I have retained the editor/translator’s name in the short citation when the title of the work will still reflect the original Ottoman author; in other cases I have used the name of the latter. In the text I have retained the final “d” in Ottoman names like Ahmed and Mehmed. Diacritics not found in Modern Turkish have been omitted in all cases. Russian words are transcribed according to the British Standard system. In both languages, exceptions are made for words with current, commonly accepted, and well-known English versions, such as fatwa, sharia, ulama, Potemkin, and pasha—but not effendi.

All archival documents are cited in the format: [archive]-[collection] [call number]. Call numbers, for Ottoman documents, take the form of [*dosya*]/[*gömlek*] or [*defter*] [*hüküm*, or if unavailable, page number]. For Russian documents, the call number is given as [*fond*]/[*opis*’]/[*del*], [folios], while for British and Austrian documents, it is [subcollection]/[volume] [letter number, or if unavailable, date].

¹ Quataert, *Ottoman Empire*, xv.

² Redhouse *Yeni*.



Map 1 The Ottoman Empire after the Treaties of Belgrade (1739).

Introduction

In late September 1787, a violent autumn storm swept the Black Sea. Caught in the gale was the newly constructed Russian Black Sea fleet, which had just put to sea for war against Empress Catherine the Great's adversary, the Ottoman Empire. The fleet's base, Sevastopol in Crimea, was itself built on former Ottoman land—Catherine had forced Sultan Abdülhamid I to recognize Crimean independence in 1774, before annexing the peninsula seven years later. Now, Abdülhamid wanted it back. Catherine's navy intended to stop him, and it had already captured several Ottoman ships before the storm interfered. One large Russian warship, the *Maria Magdalena*, commanded by an Englishman named Benjamin Tisdale, was left damaged and nearly adrift. Returning to Sevastopol against the prevailing winds would be impossible. But at this point an Ottoman prisoner held on board, named Mehmed, spoke up. There was no escape, he told the crew, except to steer for Istanbul and surrender there. In the Ottoman capital, he assured them, "you will become prisoners and your lives will be saved, and when peace is made, you will again be free."¹

Many of them were. More than four years later, after the two empires signed the 1792 Treaty of Jassy, those in the *Maria Magdalena*'s crew who had survived several devastating epidemics were handed over to Russian diplomats in Istanbul, along with many other prisoners. But this soon became, in the words of the British envoy Robert Ainslie, a "scandalous and unexpected business." Hundreds of prisoners mutinied—or rather, went on strike—against both states. Recognizing that "freedom" was a relative term, they demanded money and guarantees of safety before returning. They declared "that after being so long Prisoners they will not return to Slavery in Russia[.]"² The Ottoman and Russian states suppressed this strike only by cooperating to threaten violence if the captives did not board ships bound for Russia.

These two anecdotes, the first related by the Ottoman chronicler Taylesânîzâde Hafız 'Abdullah Efendi and the second by Ainslie (and both documented in other Ottoman and Russian sources), suggest how the nearly ceaseless Ottoman–Russian wars of the eighteenth and nineteenth centuries served as a conduit to move people move back and forth between empires. More particularly, they paint a different picture of military captivity in Ottoman hands than one might assume—not of mass enslavement and slaughter, but of rules, individual initiative, and the

¹ Emecen, *Taylesanizâde*, I:223.

² TNA-FO 78/13 #12.

circulation of captives between slavery and a dubious freedom.³ These are the central themes of this book, which explores Ottoman captivity in an era defined by imperial transformation, defeat, and eventually reform. In telling this story, the book sheds light not only on regional history, but also on the broader histories of slavery and international law.

I will argue that through the eighteenth and early nineteenth centuries, the Ottoman and Russian states worked out their own policies and rules—a body of international law—governing captivity. We will trace the rise and fall of these rules, built through treaties, customs, and unspoken assumptions. They were distinctly Eurasian, drawing on regional customs, imperial interests, and the Islamic legal tradition, but they also came to resemble some of the rules of the modern international law of war.

The Ottoman Empire ruled vast lands between what is today Croatia in the west and Iran in the east, Ukraine in the north and Sudan in the south. Starting in the late seventeenth century, the Ottoman state fought, and mostly lost, eleven wars against the Russian Empire. These were the 1677 War (1677–81), War of the Holy League (1696–1700), the Prut War (1711), the 1735 War (ending in 1739), the 1768 War (ending in 1774), the 1787 War (ending in 1792), the 1806 War (ending in 1812), the 1828 War (ending in 1829), the Crimean War (1853–56), the 1877 War (also known as the Russo–Turkish War), and the First World War (1914–18). While the Ottomans had some early successes, ultimately Russia gained imperial ascendancy in the Black Sea, Caucasus, and Balkans.

Amidst these defeats, some Ottoman intellectuals and statesmen began considering how the empire could transform its military and fiscal structures to meet the challenge posed by Russia. Yet as the Ottomans continued to lose, the Russo–Ottoman wars became a central issue in European diplomacy, and eventually helped spark the First World War and the end of both empires. This book concentrates on the period 1700–1878. At the beginning of this era, the Ottomans and Russians were fairly evenly matched Eurasian empires. By the end, the Russians clearly had the upper hand, as a world empire and member of the European great power club, while the Ottomans were weakened, losing territory, and undertaking widespread reforms that they themselves saw as “Europeanizing.”⁴

These conflicts, however, are more than a story of geopolitics, or cultural representations, or religious warfare. While the Orthodox Russian Empire and the Islamic Ottoman Empire frequently mobilized religious symbolism, and were at times motivated by religious ideology, they also had much in common as land-based, agrarian, Eurasian empires that both claimed to be heirs to the Byzantine and Roman tradition. Moreover, people moved back and forth frequently between the two empires, as merchants, sailors, pilgrims, nomads, fugitives, diplomats—and

³ Many scholars have suggested differences of degree, rather than kind, between slavery and other types of servitude; see, e.g., Toledano, *Slavery and Abolition*, 166; Ward, *Networks of Empire*; Stanziani, “Status of Labour”; Engerman, “Different Times,” 480.

⁴ See generally Aksan, *Ottoman Wars*; Rieber, *Eurasian Borderlands*.

slaves, or slave traders.⁵ Each empire, informed by state interests and religious law, allowed its subjects to enslave those of the other. These were “military captives”—both combatants and non-combatants, taken violently in wars or raids.⁶ Other slaves were taken within each empire, or trafficked there after being enslaved elsewhere, but military captivity is the focus of this book. Charting its changes allows us to compare the two empires, while also telling a single story that connects them. Moreover, tracing one set of rules on a single topic, over a long period of time, allows us to ask how state officials, captors, and captives made, interpreted, applied, and contested law, and how that law affected practice.

Captivity is a corollary of conflict, but it is not a constant. In varying times and places, captives have been enslaved, exchanged, ransomed, executed, put on trial, or temporarily detained as prisoners of war.⁷ Prisoner-of-war status and treatment today is governed by the law of war, also known as international humanitarian law, which is codified in a series of multilateral treaties signed since the nineteenth century. Modern discourses about law in war—not only about prisoners, but about war crimes, unlawful combatants, and banned weapons—are all grounded in these treaties, their interpretation, and customs based on them. Such rules are often seen as triumphal markers of humanitarian progress. In the twentieth and twenty-first centuries, prisoners of war (and civilian internees) have become especially visible as millions of people were held for long periods in the First and Second World Wars.⁸ The experiences of such captives have inspired films like *La Grande Illusion* (1937), *The Bridge on the River Kwai* (1957), *The Great Escape* (1963), and *Hart’s War* (2002).

The twenty-first century, however, has seen challenges to the prisoner-of-war framework, whether through the self-proclaimed “Islamic state” claiming the imprimatur of Islamic law to enslave, execute, or ransom captives, or the United States holding “unlawful enemy combatants” at Guantánamo Bay.⁹ Yet we still have little understanding of how captivity has changed through history, or even where the concept and practice of the “prisoner of war” came from—especially outside the Western world.¹⁰

By exploring military captivity in the Ottoman context, we can not only understand the phenomenon’s own historical evolution, but also open up larger perspectives on law and society. If judges (or others) interpret law “in a field of pain and death,” then it is in captivity that the categories of international law

⁵ Recent work on such connections includes Robarts, *Migration and Disease*; Taki, *Tsar and Sultan*; Meyer, *Turks across Empires*; Frary and Kozelsky, *Russian–Ottoman Borderlands*; Boeck, *Imperial Boundaries*; Morkva, “Policy of Rapprochement.”

⁶ This resembles Youval Rotman’s usage of “war captives,” but I prefer “military” to deemphasize the necessity of large-scale conflict. See Rotman, *Byzantine Slavery*, 27–8.

⁷ For a broad overview, see Scheipers, “Introduction.”

⁸ See Rachamimov, “Military Captivity”; Jones, “Missing Paradigm”; Stibbe, “Civilian Internment.” Note that these works use the term “military captivity” differently than I do here.

⁹ See Anderson, “Prisoners in War.”

¹⁰ In the European context, see especially Krebs, *Merciful Enemy*; Neff, “Nineteenth Century”; Wilson, “Prisoners”; Kroener, “Soldat als Ware”; Hohrath, “Werth.”

become most meaningful—as they have recently at Guantánamo or The Hague.¹¹ Captivity therefore offers a chance to study law in its political and social context. While slavery and captivity were important to both the Ottoman and Russian states, they were rarely the *first* priority in any set of negotiations. Both states (and of course captives and captors) were concerned enough with the issue to make the best arguments they could, but not so much that they readily ignored the law altogether. The result was the set of rules examined here.

This book will tell the story of these rules through ten chapters, arranged in five parts. Each part contains two chapters, and the parts are separated by brief interludes that trace the changing political and social context of the Ottoman Empire, and to some extent Russia and Europe. (Readers unfamiliar with the Ottoman Empire may wish to read the First Interlude now, before proceeding to the theoretical discussion below.)

Part I (Chapters 1 and 2) explores the early eighteenth-century status quo. It traces how captives were taken, how captivity was structured, and how captives might go free. Each of these features of Ottoman captivity would change over the following century.

Chapter 3 shows that beginning in the 1730s, the Ottoman state committed to return all captives without ransom to the Iranian state, and then to the Russian Empire, establishing a set of rules that I call the “Law of Release.” Working with Russian officials to find free captives challenged Ottoman governance in an era of crisis and transformation, but the systems established in the 1730s and 1740s endured for decades, after subsequent wars ended. At the same time (Chapter 4), claims by captives and captors forced the two states to determine who was entitled to release, and who was not. In essence, they defined notions of subjecthood and sovereignty, delineating which individuals properly belonged to each empire.

Partly in response to the Law of Release, Ottoman captivity *during* wars also began to change. The Ottoman state constructed a “prisoner of war” system, keeping enemy combatants in state custody until they could be returned (Chapter 5). The Ottoman-Russian rules did not *require* this, but they indirectly made it logical and desirable. Enemy civilians remained vulnerable to enslavement, and indeed could be important sources of profit for the army. Yet prisoners of war—like the *Maria Magdalena*’s crew—asserted their own interests by making legal claims, seeking work, going on strike, or simply escaping, as we will see in Chapter 6. In doing so, they defined the contours of the prisoner-of-war system, just as disputes had already done for the Law of Release.

With the Law of Release and the prisoner-of-war system in place, Part IV considers who was included in, and excluded from, each. At the end of the eighteenth century, other Ottoman rivals—Austria, Poland, and even the global powers of France and Britain—embraced the Ottoman rules, both through their own decisions and those of the Ottomans (Chapter 7). This reverses common narratives in the history of international law. But while those claiming Austrian, Russian, British, or other subjecthood gained more protections, we see in Chapter 8 that

¹¹ Cover, “Violence and the Word,” 1601.

those who had no such claims lost out. This meant that many corsairs, rebels, and slaves trafficked from Africa and the Caucasus benefited from neither the Law of Release nor the prisoner-of-war system.

The book's fifth part turns back to Russo–Ottoman conflicts, to see how nineteenth-century Ottoman reforms and European influence did, and did not, alter the rules of Ottoman captivity. From the 1820s onward, incentives created by the Ottomans' formation of a new disciplined, regular army led the state to improve captives' conditions, within the same general framework. The Law of Release also persisted. During and after the Crimean War, however, European diplomatic power and humanitarian movements began to influence Ottoman captivity directly. Under European pressure, but also to serve its own interests, the Ottoman government curbed the enslavement of enemy civilians. But beyond that, Ottoman engagement with modern international law was less a matter of radical change, than of using new terms to describe old practices, and to debate compliance.

It is important to note that this book focuses on those held captive by the Ottomans. The story of Ottomans captured by others, especially Russia, is closely related, and appears occasionally, but cannot be told here.¹²

THEMES AND CONTEXT

This is a story about law, which I consider to include formal and informal rules that actors saw as binding on themselves or others—such as state decrees, treaties, religious and intellectual traditions, and customs. These need not have always agreed with each other, or been universally accepted by all involved. We will see that scholarly interpretations of Islamic law often differed from the “vernacular” law perceived by non-elite communities, while both states and subjects could engage in “legal posturing” by making claims meant to sound plausible, whether or not they were grounded in formal and valid law.¹³

All laws can be violated, of course. Transgressions of any set of rules about warfare are most likely on the battlefield, where emotions and immediate survival may override any sense of being bound by rules, no matter how justifiable, common, necessary, or even helpful. Indeed, in the modern era, rules on captivity may be the most violated of all the laws of war.¹⁴ This book therefore looks less at immediate battlefield captivity, and more at policies, claims, arguments, discourses, and state practices. In discussing, defining, justifying, and contesting captivity, state officials, captors, and captives made a variety of legal claims and arguments, borrowing from different traditions.

Legal discourses involving the Ottoman and Russian states were rooted in treaties and exchanges of ambassadors (though the Ottomans did not send permanent

¹² See Yanıkdağ, *Healing the Nation*; Smiley, “People of Islam”; Köremezli, “Rusya’daki Esir”; Yanıkdağ, “Ottoman Prisoners”; Akkor, “Esir Kampları.”

¹³ For the terms, see Gordon, “Critical Legal Histories”; Benton, *Search for Sovereignty*; see also Benton, *Law and Colonial Cultures*; Hartog, “Pigs and Positivism.”

¹⁴ Scheipers, “Introduction,” 1.

ambassadors abroad until the 1790s).¹⁵ These relations were based on a number of shared assumptions—that states were separate entities with separate spheres of authority; that these might be (but were not necessarily) defined by borders; that states should expect to be treated as they treated others (within the limits of their power to stop this); that states could be either at peace or at war; that they had legal obligations to each other; that written agreements or promises could create such obligations; that long-standing customs could also do so; that individuals were subject to states; and that religion played some role in those affiliations.¹⁶ Many of these assumptions had parallels in the western European scholarly discourse of the “Law of Nations,” and in current-day international law. The commonly used term *pacta sunt servanda* (“agreements must be kept”) describes the concept that treaties must be obeyed, while “reciprocity” refers to the sense that states can expect to be treated as they treat others. Likewise, “customary international law” refers to legal obligations created not by written agreements, but by a history of practices that states undertake out of a sense of legal obligation (*opinio juris*). Ottoman officials seem to have shared the eighteenth-century European view that wars, or lesser violent reprisals, could be used to create or enforce rights.¹⁷

Some of these shared assumptions may have been inevitable features of any legal system, while others may have come to the Ottomans and Russians alike from earlier Mediterranean, Middle Eastern, Eurasian, or European intellectual traditions. But it is sufficient, for our purposes, to recognize that these shared assumptions *did* exist, and that they were the foundation on which more particular rules of captivity were built. The Ottomans may have adopted certain practices, such as permanent peace treaties and defined borders, from their European interlocutors. But historians have argued that other innovations, such as appointing resident ambassadors, emerged from the Ottoman context itself.¹⁸ We need not assume that ideas moved only one way, or that all of European diplomacy and law had to be accepted or rejected in its entirety.

Indeed, back-and-forth exchanges of ideas and practices (legal, military, political, cultural, and otherwise) had long been common between Eurasian polities.¹⁹ This book’s story is, therefore, not primarily about changes migrating from Europe outwards. The geography is Eurasian and Middle Eastern—the Ottoman Empire crossed the arbitrary lines between the continents of Europe, Africa, and Asia, while the Russian Empire reached from eastern Europe well into Asia. The book particularly focuses on conflicts along the Ottomans’ “northern defensive line,” which ran from the Balkans through the Black Sea and to the Caucasus, and was in turn part of the “Eurasian borderlands.”²⁰ While Ottoman–Russian conflicts, and Russia’s eventual ascendancy, are at the center of the book, we will see that Ottoman relations with

¹⁵ Toyoda, “Statut juridique”; Berridge, “Diplomatic Integration”; Yurdusev, “Ottoman Attitude.”

¹⁶ For work that recognizes some of these elements, see Panaite, *War and Peace*; Palabiyik, “International Law”; Fadel, “International Law”; Yurdusev, “Ottoman Attitude,” 27–8.

¹⁷ See Whitman, *Verdict of Battle*; Hathaway and Shapiro, *Internationalists*; Smiley, “War without War.”

¹⁸ See Aksan, *Ottoman Statesman*; Goffman, “New Diplomacy”; Abou-el-Haj, “Ottoman Frontier.”

¹⁹ See Burbank and Cooper, *Empires*, 197–9.

²⁰ See respectively Aksan, *Ottoman Wars*; Rieber, *Eurasian Borderlands*.

other Eurasian powers, like the Polish-Lithuanian Commonwealth and Iran, were also important.

The empires' motivations are also central, as we will see how rules and practices were shaped by both states' interests and ideas, as well as those of captors and captives themselves. Some of these were material—captors' desire for labor, captives' desire for liberation, and states' desire for revenue, resources, and manpower. The empires' concerns were particularly related to their military structures, and we will see that these changed dramatically over time. Other interests were more a matter of intellectual commitments than material needs. Modern concepts of sovereignty were, in fact, not of great concern. The empires employed and embraced diverse and pragmatic structures of authority and governance, rather than attempting to conform to an ideal model of uniform control within defined boundaries, as nation-states often do (and as the Ottoman Empire arguably did after the Tanzimat reforms).²¹ But state elites *did* have intellectual commitments. Throughout, I attempt to identify these specifically, rather than referring abstractly to concerns about sovereignty. The Ottomans, for their part, sought to uphold their imperial legitimacy and their commitment to the Islamic legal tradition, while the Russian state, at first, sought to liberate Orthodox Christians and later to defend its place among the European powers. Material and abstract interests, of course, sometimes came into conflict.

The book's sources also come primarily from Ottoman and Russian perspectives. Most important are Ottoman sources, particularly documents from the Ottoman Archives of the Prime Minister's Office in Istanbul. These include copies of treaties, registers of correspondence with provincial officials and foreign rulers, expenditure accounts, reports from field commanders and officials, and imperial rescripts (reports to the sultan and his own replies). Other Ottoman sources include documents from the Topkapı Palace Archives, a few local court records, and a variety of published chronicles. The Russian source base includes the records of diplomatic missions in Istanbul, and correspondence with Ottoman ambassadors, between 1739 and 1800 (from the Imperial Russian Foreign Ministry Archives); army records from the eighteenth and early nineteenth centuries (from the Russian State Military-Historical Archive); and published laws, correspondence, and memoirs. These sources are supplemented by diplomatic documents from the British, French, and Austrian archives, as well as a variety of published European travel narratives and memoirs.

As the inclusion of numerous European sources indicates, Europeans were never absent from this story. But they were not central to it until the mid-nineteenth century. Throughout the book, I take "Europe" to refer to the Latin Christian (Catholic and Protestant) world between the Atlantic and the Carpathian Mountains. This definition, which excludes the Ottoman and Russian states and their territories, is not intended as a political, cultural, or civilizational judgment. It is simply a heuristic device allowing Ottoman–Russian relations to be studied on their own

²¹ See Burbank and Cooper, *Empires*; Deringil, *Well-Protected Domains*; Benton, *Law and Colonial Cultures*.

terms, without importing assumptions derived from other contexts.²² Russia and Europe did, of course, have religious and cultural ties, and when it is necessary to discuss both together, I simply use the adjective “Christian.” (This, in turn, is not intended to imply that any of the attributes Russia and Europe shared were necessarily defined or caused by Christianity.) These distinctions are themselves, of course, constructed and historically contingent. Imperial Russian elites after the eighteenth century began to see themselves as “European,” sometimes in deliberate opposition to Islam and the Ottoman Empire.²³

For most of the narrative, when Europeans do appear, their viewpoints are neither monolithic nor static.²⁴ We meet early eighteenth-century diplomats who protected their protégés’ rights to own Russian slaves; envoys who recognized the Ottoman prisoner-of-war system as similar to their own practices and sought to protect aristocratic officers’ privileges; and mid-nineteenth-century activists promoting new ideas of humanitarianism. Toward the end of this story, however, as the British and French empires became globally dominant, Europeans enter the story in new and more important ways—through antislavery campaigns, involvement in the Crimean War, and the growing influence of the codified law of war. This is, therefore, a story of connected Eurasian history, centered in the Black Sea, but it is also a story that eventually expands to include the increasingly powerful European polities of far western Eurasia.²⁵

INTERNATIONAL LAW

Starting from the Eurasian and Middle Eastern imperial context allows us to take an unfamiliar, but productive, perspective on the history of international law. In doing so, however, it is useful to distinguish between three different ways of approaching the issue. First, we might trace the social and political history of rules that actors, in any context, see as binding on polities claiming sovereignty. This fits into the broader field of “legal history,” which can take as its object any legal system. I will use the term “international law” in this general sense. By contrast, we might instead study the development of one *particular* intellectual tradition of such rules, especially those that emerged in early modern Europe and were famously elaborated by thinkers like Hugo Grotius and Emer de Vattel. I refer to these as the “Law of Nations,” and they are the most frequent focus for studies of international legal history. The combination of treaty and customary rules recognized as binding by most states and scholars today, drawing on the Law of Nations, I call “modern international law.” Finally, we could trace *practices* that are required, or forbidden, by any particular set of rules (especially those of modern international law). This entails discussing

²² For such a view (but emphasizing religiously and culturally defined “civilizations” rather than empires), see LeDonne, *Grand Strategy*, 10.

²³ Taki, *Tsar and Sultan*; Fray and Kozelsky, “Introduction”; see also Crews, *Prophet and Tsar*.

²⁴ For analogous European views of the Ottoman Empire more generally, see Çırakman, *European Images*.

²⁵ See Subrahmanyam, “Connected Histories.”

changes in practice or states' compliance with those rules. This book primarily takes up the first concept, of international law in general. The Law of Nations enters the story occasionally when actors deploy it to make arguments or claims (often unsuccessfully), but plays a sustained role only from the mid-nineteenth century. When we discuss practices, it will be as products of context, not as objects to be measured against a standard of compliance.²⁶

The Law of Nations as an intellectual tradition is normally seen to have begun with European scholars, writing in Latin and later in French, German, and English, who divined it through a study of natural law, Christian doctrine, biblical precedents, and Greek and Roman history.²⁷ The Law of Nations recognized the authority of treaties, but also perceived a wide array of rules that were binding simply by custom, independent of written agreements. As most histories have it, this intellectual tradition of scholars discovering the Law of Nations transformed into a nineteenth-century effort for states to create and codify what Jeremy Bentham now called "international law" through universally accepted treaties signed by all the major states.²⁸ Part of this effort, which we will discuss in Chapter 10, focused on the law of war, regulating violence by and between states. These rules are now referred to as "international humanitarian law." This should not be confused with "international human rights law," which is a twentieth-century set of rules rooted in different multilateral treaties recognizing individuals' or groups' rights against states, primarily in peacetime.²⁹

In examining international law, particularly war and captivity, as a series of practices shaped by the western European legal tradition, social scientists have asked why rules were and were not codified, or whether and why states comply with their obligations.³⁰ Some take a more critical approach, questioning the assumptions embedded in the tradition and asking whether, instead of constraining violence, it actually licenses, legitimates, or encourages state violence.³¹ Other scholars, including some of captivity, have taken an approach closer to that of this book, asking how practices can turn into rules, rather than vice-versa, in a European context.³²

The world outside Europe usually enters these stories in two ways. Some argue that the European legal tradition moved outward, as states moved into the system of international law (or were prevented from doing so).³³ Others contend that international law and the law of war were designed to exclude non-European

²⁶ For helpful theoretical perspectives, see Benton, *Search for Sovereignty*; Benton, *Law and Colonial Cultures*; Hanley, "Statelessness"; Koskenniemi, "International Law Histories"; Pitts, "Legal Universalisms"; Witt, "Social History"; Lanni, "Ancient Greece"; Steiger, "World Citizen."

²⁷ See Straumann, *Roman Law*; Tuck, *War and Peace*; Gozzi, "Western Civilization"; Steiger, "World Citizen."

²⁸ Janis, "Jeremy Bentham"; see also Lemnitzer, *End of Privateering*.

²⁹ See Hathaway et al., "Which Law Governs"; Meron, "Humanization."

³⁰ See, e.g., Wallace, *Life and Death*; Morrow, *Order within Anarchy*; Inal, *Looting and Rape*; Hathaway, "Human Rights Treaties."

³¹ See, e.g., Whitman, *Verdict of Battle*; Witt, *Lincoln's Code*; Kinsella, *Combatant and Civilian*; Nabulsi, *Traditions of War*; Hull, *Absolute Destruction*; af Jochnick and Normand, "Critical History."

³² Thomson, *Mercenaries*; Neff, "Nineteenth Century"; Wilson, "Prisoners."

³³ Gong, *Standard of "Civilization"*.

states, in order to justify and enable European imperialism.³⁴ While the Ottomans were connected to European states by treaties like the famous commercial Capitulations, even these became tools of exclusion in the nineteenth century.³⁵ The spread of particular rules (often from western world outwards), and of compliance with them, remains an important topic in international legal scholarship.³⁶ More recently, scholars have focused on the creative adaptation and deployment of the European legal tradition by elites in non-European states, most notably the Ottoman Empire. By looking at an era before the advent of late nineteenth-century Europeanization, however, this book tells a different story.³⁷

Doing so, however, also means questioning common assumptions about international law outside of Europe before the nineteenth century. Scholars have seen the world as having been divided into separate legal systems, such as those of the Islamic world or east Asia, though those outside Europe are rarely discussed.³⁸ However, it is difficult to explain the developments explored in this book by reference to an “Islamic system” of international law. We will see that Ottoman officials and subjects certainly did refer to the *siyar* rules of Islamic law, and they did not see their captivity policies or inter-state agreements as violating those rules. But this does not mean Islamic legal rules solely governed the Ottoman rules of captivity—after all, except for Iran, all their interlocutors were non-Muslim states.³⁹ Instead, this book considers rules made between polities with different political or religious identities, “at the interfaces between empires and their various legal traditions.”⁴⁰

Eighteenth-century European scholars, for their part, believed that non-Christians might be bound, and protected, by the rules of the Law of Nations—being more open than their successors in the next century, who tended to exclude non-Christian powers.⁴¹ Historians have therefore debated when the Ottomans “joined” the European system of international law, contesting the importance of dates like 1699, the 1740s, 1790s, or 1856.⁴² This book turns away from such an approach to ask instead about particular rules and their use. Ottoman references to the European intellectual tradition of the Law of Nations need not have come all at once, and it is not the sole measure of the empire’s entire engagement with ideas and practices that we might recognize as “international law.” The question here is when, why, and how different individuals, states, and

³⁴ Rodogno, “Family of Nations”; Mégret, “Humanitarian Law’s ‘Other’”; Anghie, *International Law*.

³⁵ The Capitulations are discussed further below, but see especially Kayaoğlu, *Legal Imperialism*; van den Boogert, *Capitulations*; Özsu, “Ottoman Empire.”

³⁶ See, e.g., Goodman and Jinks, “Socialization.”

³⁷ Genell, “Legal Counsel”; Aral, “Ottoman ‘School’”; Palabiyik, “International Law”; Lorca, “Universal International Law.”

³⁸ See, e.g., Onuma, “Law of International Society”; Lesaffer, “Peace Treaties”; Pitts, “Legal Universalisms,” 95, 119; Gozzi, “Western Civilization”; Steiger, “World Citizen,” 186.

³⁹ For *siyar* see, e.g., Fadel, “International Law”; Khadduri, *War and Peace*; Khadduri, *Law of Nations*.

⁴⁰ Burbank and Cooper, *Empires*, 183; for moves in this direction see Benton, *Law and Colonial Cultures*, 5–7; and in the Ottoman context, White, *Piracy*; Greene, *Pirates*; van den Boogert, *Capitulations*.

⁴¹ See Pitts, “Legal Universalisms”; Horowitz, “State Transformation.”

⁴² See, e.g., Aral, “Ottoman ‘School’”; Rodogno, “Family of Nations”; Ortaylı, “Ottoman–Habsburg Relations”; Palabiyik, “International Law”; Toyoda, “Statut juridique”; Naff, “States System”; Abou-el-Haj, “Ottoman Frontier”; Hurewitz, “Ottoman Diplomacy”; Gönen, “State System.”

groups—not only, or even primarily, scholars—made, interpreted, and drew on specific rules and sources on the particular topic of captivity.

OTTOMAN HISTORY

There are also important lessons in this story for our understanding of Ottoman history—of Ottoman frontiers, of Ottoman law and governance, and of Ottoman slavery. First, the changing law and practice of Ottoman captivity helps reframe the Ottoman relationship with the Russian Empire—a frequent rival, but also a state with which the Ottomans had a long legal and diplomatic relationship. As recent scholarship on the eighteenth century has shown, the two states were capable of cooperating, whether to delineate borders and limit raiding, to control disease and migration, or to win wars against common enemies. At times, their practices resembled modern concepts of sovereignty.⁴³ But beyond cooperation and practice, this book shows that the empires could and did create legal rules between them on captivity, through treaties, other oral and written agreements, and accepted customs.

The Ottoman state's engagement with Russia in building these rules show that the former was not stagnant or declining in the eighteenth century, but innovative and active, especially when dealing with foreign powers—even when losing wars. Here I use “Ottoman state” and “Sublime Porte” (a contemporary European term) synonymously, to refer to the central decision-making apparatus based in Istanbul. It included the Reis Efendi (de facto foreign minister), the Kapudan Pasha (grand admiral), the chief jurist (Şeyhülislam), and other officials, appointed by and accountable to the Sultan, or the Grand Vizier acting in his stead. I likewise use “Council” to refer generally to all the advisers who made recommendations to the Grand Vizier and sultan, usually through regular *divan* meetings or extraordinary *meşveret* sessions. This structure changed significantly in the mid-nineteenth century, but I will continue to refer to the central Ottoman state as the Porte.⁴⁴

The Porte's power was, of course, not absolute, even within Istanbul. It traveled along networks of power, following roads, sea lanes, and the routes of imperial orders (which constitute many of this book's sources). These were uneven, but followed discernible patterns. They might be best seen as “corridors,” such as roads and sea lanes, connecting “enclaves” of power, such as cities and fortresses, while other areas claimed by the sultans remained further from state power.⁴⁵ The limits of Ottoman imperial networks are largely the limits of this story, though when the sources allow, we will look beyond the central state's corridors. The book thus does not deal with captivity in the regencies of North Africa (Algiers, Tunis, and Tripoli), which were largely beyond central Ottoman power in this era and, indeed, carried

⁴³ See Robarts, *Migration and Disease*; Boeck, *Imperial Boundaries*; Şakul, “Global Moment.”

⁴⁴ See Findley, *Bureaucratic Reform*, 70–2.

⁴⁵ The terms are from Benton, *Search for Sovereignty*; see also Barkey, *Empire of Difference* (describing “hubs and spokes”); Salzmänn, *Tocqueville*; Ward, *Networks of Empire*; Greene, “Mediterranean.” Khaled Fahmy's “sinews” supporting the Egyptian military are also analogous: Fahmy, *Pasha's Men*, 181.

on their own diplomatic and legal relationship with European states.⁴⁶ This separates the story told here from that of the “Barbary pirates,” which is better known in the United States and western Europe.

The Ottoman state intended its varied local authorities to provide manpower, loyalty, and perhaps basic dispute resolution in the service of legitimacy.⁴⁷ The state’s networks of power, then, were pressed into new roles by the need to find and liberate captives. At the same time, since these networks operated differentially in different places, the applicability of Ottoman treaty and customary law on captivity was uneven. A recurring subtext of the book will be the difference between official state views of the law, and other communities’ interpretations. These can sometimes be glimpsed, especially through enslavement that was not formally allowed by the state.

The delineation of borders, and the transformations this caused in borderlands, has attracted increasing historiographical attention.⁴⁸ But through the law of captivity, we see the Ottomans and Russians involved in another process of legal delineation: that of populations, not *on* the borders but *within* them. Drawing on Eric Lohr’s terminology, I call this the “subjecthood boundary.”⁴⁹ Yet subjecthood itself was complicated. Recent historiography has emphasized that these empires were multi-layered polities, with sovereignty residing in different ways at different levels, and with a myriad of separate “deals” connecting particular populations to the ruler through various intermediaries or brokers.⁵⁰

Because of this multiplicity of relationships, references to “Ottomans” or “Russians” in this book are intended simply to refer to those who were tied to, and owed allegiance to, those states in a manner that was legally sufficient for whatever question was at hand. This is a bit ambiguous, because there were many ways to be under the sultan’s authority. The Ottoman state, Maurits van den Boogert argues, had some sense of who was and was not an “Ottoman,” mainly based on birth, language, and religion. But this was not a single legal category. Ottoman law and society consisted of “a framework, a grid composed of a multitude of boundary patterns. There were all kinds of fiscal divisions; different legal statuses; social classes; religious communities; professional organizations; ethnic

⁴⁶ White, “Shifting Winds.” That said, there are significant parallels in the connections between subjecthood and captivity in this story, and in that of western Europeans held in North Africa: see Colley, *Captives*; Weiss, *Captives and Corsairs*.

⁴⁷ On recent literature about the eighteenth-century Ottoman state, see Aksan, *Ottoman Wars*; Quataert, “History Writing”; see also Barkey, *Empire of Difference*.

⁴⁸ See, e.g., Ellis, “Over the Borderline”; Ates, *Making a Boundary*; Boeck, *Imperial Boundaries*; Kashani-Sabet, *Frontier Fictions*.

⁴⁹ Lohr’s term is “citizenship boundary.” Although Lohr’s own definition of “citizenship” as “membership in a country” fits concepts used in this book, I avoid the word because as Will Hanley cautions, it is often associated in the Ottoman context with liberal notions of participation and rights that are anachronistic for almost the entire period in question. We could also use the modern legal term “nationality,” referring to those affiliated with a certain state, but that could be confusing because the concept itself came into use late in the period discussed here. See Lohr, *Russian Citizenship*; Hanley, “Ottoman Nationality”; see also Weis, *Nationality and Statelessness*, 3–7; and for citizenship in Atlantic contexts, Fahrmeir, *Citizenship*; Torpey, *Invention of the Passport*.

⁵⁰ See Yacyioğlu, *Partners of the Empire*; Lohr, *Russian Citizenship*; Burbank and Cooper, *Empires*; Boeck, *Imperial Boundaries*; Barkey, *Empire of Difference*.

groups—and many other sub-groups.”⁵¹ There were Muslims, Christians, and Jews; they could be subject to the sultan by religious or contractual obligations; and they were referred to with different terms (e.g. *reaya*, *zimmîs*, *ahali*—people—or simply Muslims). But none of these included *all* Ottomans. *Reaya*, for example, referred only to non-Muslims, particularly Orthodox Christians. Until the nineteenth century, the Porte drew few legal distinctions between “foreign” and “local” Muslims.⁵² All of this was still more complicated for slaves, who were subject to their owners as well as the sultan.

We could call all these people “Ottoman subjects” sharing “Ottoman subjecthood.” But since this book straddles the eighteenth and nineteenth centuries, an important caveat is in order. In the documents consulted here, the Porte itself did not refer to a single category of “Ottoman subjecthood” or even to “Ottoman subjects” (except when translating foreign documents) until the mid-nineteenth century. Then, amidst the Tanzimat reforms, it defined all Ottomans into a single, legally equal category. Later still, the state delineated who was in that category—who was exclusively “affiliated” with the empire through the uniform international legal category of “nationality” (*tabiiyyet*, a word also used for subjecthood).⁵³ For the present purposes, therefore, I use the term “Ottoman subjecthood” for the category that emerged from the Tanzimat.

In that era, the Porte came to believe it could, and should, act directly on individuals—rather than on groups, communities, guilds, villages, or tribes—and radically redefined the relationship between individuals and the state. Thus legal definitions of those individuals’ status became vitally important. The scholarly discussion of who was affiliated with the Ottoman Empire, what such affiliation *meant* internally, and how people could use it to their advantage in this period, has been lively.⁵⁴ These nineteenth-century changes affected the status of captives, but we will also see similar phenomena emerging earlier. This could be told as a story of state schemes failing as local knowledge defeated systematic methods of documentation “legible” to central states.⁵⁵ That will be a subtext of the book, but it is not the main story.

In the Russian context, “subjecthood” (*poddanstvo*) was a term used in the eighteenth century. However, as Eric Lohr argues, even this was not a single, unified category, but a multitude of separate “deals.” Many, like foreigners in military service, owed service and loyalty to the empire even without formally being

⁵¹ Van den Boogert, “*Homo Ottomanicus*,” 18. See also Hanley, *Identifying with Nationality*, 12; Roberts, *Migration and Disease*; Rothman, *Brokering Empire*; Zilfi, *Women and Slavery*, 9–18; Benton, *Search for Sovereignty*, 288; Aksan, “Whose Territory”; White, “Slave Laundering.”

⁵² See Can, “Protection Question”; Low, “Flag of Extraterritoriality”; Masters, “Treaties of Erzurum”; Masters, “National Identities.”

⁵³ Hanley, “Ottoman Nationality”; see also Salzmann, “Citizens.”

⁵⁴ See, e.g., Hanley, *Identifying with Nationality*; Deringil, *Conversion and Apostasy*; Kern, *Imperial Citizen*; Can, “Protection Question”; Gutman, “Mobility Control”; Low, “Flag of Extraterritoriality”; Meyer, “Politics of Citizenship.” However, such questions were not unique to the nineteenth century, or to the Ottoman context; see Roberts, *Migration and Disease*; White, *Piracy*; Boeck, *Imperial Boundaries*; Benton, “Legal Spaces”; Greene, *Piracy*.

⁵⁵ See Scott, *Seeing Like a State*.

“subjects.”⁵⁶ Thus in this book, the term “Russian,” if not modified by “native” or “ethnic,” refers here simply to the empire’s subjects. This included many who were not Russian-speaking Orthodox Christians.

The Ottomans, for their part, used the terms *Moskovlu* or *Rûs*. These words seem to have originally meant, respectively, natives of Muscovy or the Russian state, and Ukrainians (also called Rusyns, Ruthenians, or Little Russians). However, as the Russian state came to rule all the territories north of the Black Sea, the difference between the Ottoman terms was blurred, and officials eventually seem to have used them interchangeably. By the mid-eighteenth century, it appears all or nearly all those referred to as either *Rûs* or *Moskovlu* were Russian subjects. I therefore translate both as “Russian,” without meaning to imply that this matches current usage of the term for ethnic Russians.⁵⁷ The British, French, Venetian, and other states of course had their own subjects. However, Ottoman officials rarely used such terms themselves; they spoke of “French” people or those “connected” with a state for the purposes of a given legal rule.⁵⁸

Discussing captivity requires defining a few more terms. I use “captives” or “slaves” generally for all those held against their will. Those “enslaved” are a subgroup of captives with no certain future interest in release (although an owner might grant such an interest, perhaps upon his or her death or in exchange for a present or future payment in cash or kind). “Prisoners” are those in state hands who have such an interest, whether because they are convicts serving a sentence, or military captives who know they will be released when a war ends (whenever that may be). “Prisoners of war” are a subset of prisoners who are combatants, or associated with combatants, taken in an armed conflict, who can expect to be released when that conflict ends, and who are differentiated in some way from convicts and slaves. These terms resemble, but are not identical to, the actors’ own terminology, which was often less precise.⁵⁹

This book focuses on military captivity; it is not a study of slavery as an institution, of the slave trade, or of its abolition, though military captivity was deeply connected to all of these. I seek to historicize the eighteenth century, in which slavery changed, but did not end. In doing so, it is impossible to ignore Russia’s changing role, largely due to that empire’s military victories—making a study of military captivity in the particularly *Russo*-Ottoman context doubly vital.

Ottoman military captivity has “tended to fall into a black hole,”⁶⁰ until recently touched on only peripherally by literature focused on slavery more generally. Those works often situate major changes in Ottoman slavery in the nineteenth century,

⁵⁶ See Lohr, *Russian Citizenship*.

⁵⁷ See BOA-KKd 5675 (showing interchangeable official usage for at least one individual); Plokhly, *Gates of Europe*, xxiii; Sobers-Khan, *Slaves without Shackles*, 99; Halenko, “Ottoman Policy,” 108; Wilkins, “Demographic Profile,” 243; Golden, “Abd.”

⁵⁸ See, e.g., BOA-CHR 70.

⁵⁹ Eighteenth- and nineteenth-century Ottoman Turkish used the word *esir* (singular)/*üsera* (plural) to refer to nearly all slaves, along with *sebi* and *istirkak* for women and children. In Russian the terms were *plen* or *nevol’nik*. See Vatin, “Affaire interne”; Zilfi, *Women and Slavery*, 189; Akgündüz, *Kölelik-Câriyelik*, 113.

⁶⁰ Faroqhi, *World around It*, 121.

or the late eighteenth, and deal particularly with the types of captives who were most prominent in that era: those from the Caucasus, or from Africa. Yet until the eighteenth century, natives of present-day Ukraine and Russia provided many, if not most, of the Ottoman Empire's slaves. Work has begun on domestic Russian slavery policies, but Russian (and Austrian) policies to recover captives *within* the Ottoman Empire have received little systematic attention.⁶¹ This book thus fills a gap in the literature, while also opening larger perspectives by examining both war-time and postwar captivity over a longer period, from a specifically legal standpoint.

As this discussion indicates, the book cuts across conventional divides in periodizing Ottoman history. The events traced here bridge the “pre-reform” and “reform” or “early modern” and “modern” eras (divisions typically drawn, for the Ottomans, in 1789, 1798, or 1826). By contrast, this book is framed by a particular geopolitical period, the unity and importance of which Virginia Aksan's work suggests that of Ottoman rivalry with Russia.⁶² Between the 1730s and 1830s, the Ottomans lost wars but remained vital players in war and diplomacy. After that, the Porte relied on reforms and alliances with Europe to hold its own; and by 1878, further defeats and territorial losses led Sultan Abdülhamid II to reevaluate the state's identity and international role.⁶³

This was a period that saw, and indeed produced, major changes. Aksan has emphasized the importance of the 1770s for military reform; Kahraman Şakul, the turn of the nineteenth century as a “global moment”; Christine Philliou and Ali Yayıoğlu, the early part of the century as part of the global “age of revolutions”; Baki Tezcan, 1826 as a moment of domestic reconfiguration; and Candan Badem, the 1850s for an increased engagement with western Europe.⁶⁴ While embracing the importance of all these moments, this book follows one narrower story—that of military captivity—in detail across a much longer period. In doing so, we can place the eighteenth century at the heart of the story, rather than as a prelude, while emphasizing continuities (alongside changes) well into the nineteenth century. At the same time, we can see how major geopolitical phenomena like conflict with Russia affected Ottoman governance, slavery, and diplomacy, and the experiences of captives.

⁶¹ The most relevant accounts are Erdem, *Slavery*, 18–42; Şakul, “Pouqueville's Frenchmen”; see also Çetin, *Esir Kampı*; Nalçacı, *Sultanın Kulları*; Kurtynova-D'Herlughnan, *Tsar's Abolitionists*; Zilfi, *Women and Slavery*, 121–3; Köse, *Küçük Kaynarca*, 195–205; Faroqhi, *World around It*, 119–34; Hellie, *Slavery in Russia*; Faroqhi, “Prisoner of War.”

⁶² Aksan, *Ottoman Wars*.

⁶³ Deringil, *Well-Protected Domains*.

⁶⁴ Yayıoğlu, *Partners of the Empire*; Philliou, *Governing Ottomans*; Badem, *Crimean War*; Tezcan, *Second Ottoman Empire*; Şakul, “Global Moment.” Burbank and Cooper have more generally emphasized the relatively late emergence of western European states as dominant players in the world of empires: see Burbank and Cooper, *Empires*.

PART I

First Interlude: The Ottoman Empire and its Neighborhood

At the largest scale, the setting for this book is the geopolitical encounter between two great empires: one based in Istanbul, and the other in Moscow (later, St. Petersburg). Their territories crossed the boundaries between continents and regions: the Middle East, North Africa, Europe, and western Asia. Both Muscovy and the Ottoman Empire emerged from the aftermath of the Mongol invasions, which swept over Eurasia and the Middle East in the thirteenth century.¹

Turkic populations from central Asia had been migrating into Anatolia for centuries, by the time the Mongols arrived and shattered the Seljuks of Rum. The region was left to a number of small states, including that of Ertuğrul. His territory around the modern-day Turkish district of Söğüt was strategically positioned in between other Turkic Islamic polities, and the Byzantine Empire. Ertuğrul's son Osman (r. 1299–1320s) and the Ottoman dynasty that followed (named after Osman) exploited this position to expand their territory. The burgeoning state survived, and recovered from, near-destruction by another central Asian conqueror, Tamerlane, in the early fifteenth century.

The dynasty expanded from western Anatolia into the Balkans, and Sultan Mehmed II (r. 1444–46, 1451–81) captured Constantinople, the Byzantine capital, in 1453. After taking the last Byzantine outpost, Trabzon, a few years later, the Ottoman state began to dominate trade routes by land across Anatolia, and by sea through the Bosphorus and Dardanelles. Among other things, this brought under Ottoman control the long-standing (formerly Byzantine) traffic in Slavic and Circassian slaves from the northern and eastern Black Sea to markets in the Mediterranean.² At the same time, the Ottoman sultanate took as its vassal the Crimean Tatar Khanate—a remnant of the Mongol Khanate of the Golden Horde—which frequently launched slave raids into modern-day Ukraine and southern Russia.

¹ See, e.g., Burbank and Cooper, *Empires*. Except where particular facts or arguments are cited more specifically, the general narrative of Ottoman history in these interludes is based on that in Imber, *Ottoman Empire*; Quataert, *Ottoman Empire*; and particularly on the analysis of Ottoman conflicts and reforms in Aksan, *Ottoman Wars*.

² Fisher, "Slave Trade."

Sultan?>, Selim I (r. 1512–20) pushed back the Iranian Safavid Empire at the Battle of Çaldıran (1514), and then turned south to conquer the Mamluk state. This gave the dynasty control of Egypt and greater Syria, and also a claim (not fully invoked until later) to religious leadership of all Sunni Muslims as the caliph, successor to the prophet. As they became an empire, the Ottomans also positioned themselves as world-emperors in the tradition of Rome and the Byzantines, and as direct rivals to the pope and the Holy Roman Emperor in claiming legitimate universal sovereignty.

Ottoman imperial structures drew upon those of the Byzantines, and earlier Islamic polities, but they also innovated. Some areas of the empire were directly ruled through a fairly standardized set of institutions, while others were ruled under a variety of different arrangements. In directly ruled areas, the sultan appointed judges (*kadis*) to administer Islamic law in towns, governors to supervise provinces, and cavalymen (*timariots*) to collect tax revenues from small districts (*timars*) in return for making themselves and their retinues available for military service. The actual workings of power still differed from place to place, with local notables often assuming formal offices, or overshadowing them with informal power. In the eighteenth century in particular, tax farming was often contracted out (the purchase prices being borrowed from bankers or other elites in Istanbul), creating another set of actors connected to and invested in the stability of the state.³ Other regions, like Crimea and the principalities of Moldavia and Wallachia (parts of modern-day Moldova and Romania), paid tribute but had a larger degree of autonomy and retained their own political and legal structures.

The Ottoman sultans' power was far from unlimited. Their relationship with their subjects differed from place to place and population to population, and in nearly every case it involved intermediaries who had some degree of autonomy. The borderlands in particular were "more like zones that mediated and even facilitated the interaction of peoples of different backgrounds or origins."⁴ In general, the Porte was accommodating in dealing with these authorities, who administered the empire. But they had to provide a few core requirements: loyalty and order, the smooth extraction of taxes and resources, and military service or recruitment.

These limitations were a matter of the customary and practical structure of the empire, not of a written constitution. But the sultans also saw themselves as bound by Islamic law, though they could be "quite radical" in interpreting it (including on issues of slavery), even in ways that later observers saw as violations.⁵ Of the four major "schools" of legal interpretation within Sunni Islam, the Ottomans preferred the Hanafi school, though they did allow and recognize other schools.⁶ Judges, appointed by the sultan, decided court cases, notarized documents, and implemented sultanic decrees. Individuals could also request nonbinding opinions (fatwas) from learned interpreters (muftis). The sultans especially promoted the opinions of one particular mufti, whom they appointed, known as the Şeyhülislam.

³ Salzmann, "Ancien Régime."

⁴ Kasaba, *Moveable Empire*, 39. See also Ágoston, "Flexible Empire," 27.

⁶ See Burak, *Hanafi School*; Imber, *Ottoman Empire*, ch. 6.

⁵ Erdem, *Slavery*, 19.

Indeed, even foreign diplomats sometimes consulted the Şeyhülislam to justify their own positions.⁷ The Porte often adduced fatwas from the Şeyhülislam to support its orders. The Ottomans also built large bodies of law based on custom and imperial decrees.⁸

Many Ottoman Muslims, particularly in the Arab lands, subscribed instead to the Shafii or Hanbali schools of law, while there were also many Shi'i and heterodox Muslims in eastern Anatolia and Mesopotamia. Furthermore, a huge number of Ottomans were not Muslim—many were Orthodox Christians, speaking Greek, Bulgarian, Romanian, or Arabic, while smaller numbers were Jewish, Catholic, Yezidi, Druze, or Alawite. Christians and Jews maintained their own religious hierarchies and had the right to use their own legal systems. Foreign European merchants had their own distinct legal status, regulated by a series of commercial treaties (the Capitulations, discussed further in Chapter 1).

Nonetheless, war was a major means by which the Ottoman state interacted with other states. In the sixteenth century the Ottomans clashed with the Habsburg dynasty, which controlled the Holy Roman Empire (later also referred to as Austria). A series of wars between these two claimants to universal empire raged throughout the seventeenth century, but the Ottomans still fought successful campaigns against the Safavids (retaking Baghdad in 1638) and against the Venetian Republic (taking Crete in 1669), before returning to campaigns in Europe. The Ottoman siege of Vienna famously failed in 1683, and the “Holy League” of Austria,⁹ Poland-Lithuania, Venice, and Russia then turned on the Ottomans. After a protracted war, the Ottomans accepted a long-term peace, territorial losses, and delineated borders in the 1699 Treaties of Karlowitz and the 1700 Treaty of Istanbul (with Russia).

Russia's alliance with the Holy League marked a change in inter-imperial Eurasian politics. The Muscovite/Russian state had a long and uneasy relationship with the Ottomans—since it was a primary victim of slave raids from the Crimean Tatar Khanate. The threat of such raids helped motivate Russian rulers to build a series of defensive lines, and then to take the offensive. During the seventeenth century the Ottoman and Russian states were separated by intermediaries, and buffers—on the Ottoman side, the Crimean Khanate, and on the Russian side, the largely autonomous Cossack communities. Tatars and Cossacks exchanged raids, captives, and ransoms, but from the turn of the eighteenth century the state began to take them under tighter control, ushering in an era of direct confrontations with the Porte.¹⁰

The military manpower for Russian efforts, at first, came partly from nobles and their retainers. Indeed, the need to secure resources to support these forces was one

⁷ Repp, *Müfti of Istanbul*; White, “Fetva Diplomacy.”

⁸ See Akarlı, “Law Making.”

⁹ Following Rhoads Murphy, “Austrian” refers to the Holy Roman/Habsburg Empire. This reflects the Ottoman *Nemçe*, denoting German-speakers or the Habsburg/Austrian Empire and its subjects. See, e.g., BOA-DVEd 58/2 #137; *Redhouse Yeni*, 877; Murphy, *Ottoman Warfare, 1500–1700* (New Brunswick, NJ: Rutgers University, 1999), xix–xx. For contact through war, see Faroqhi, *World around It*, 117.

¹⁰ Boeck, *Imperial Boundaries*; Abou-el-Haj, “Ottoman Frontier”; Davies, *State and Society*.

reason why peasants were tied to the land as serfs.¹¹ This changed in the early eighteenth century, under Peter the Great, who claimed the title of emperor and embarked on a famous series of reforms, most notably building a disciplined army, based on central European models and recruited from among the enserfed population. This enhanced Russian military power, but the results were not immediately apparent against the Porte.

The peace treaties signed at Karlowitz and Istanbul in 1699–1700 were a setback for the Ottoman state, but it recovered militarily and politically. Indeed, Sultan Ahmed III (r. 1703–30) and his Grand Vizier Baltacı Mehmed defeated Peter the Great when the tsar took the offensive again in 1711. The Ottomans thus regained the northern Black Sea port city of Azov, which Peter had taken in 1696. In the Second Morean War a few years later, the Ottomans also retook the Peloponnese/Morea from Venice (lost in the War of the Holy League), even as Austria took the city of Belgrade in 1717. The Ottoman dynasty's longtime Muslim rivals to the east, the Iranian Safavid Empire, collapsed after an Afghan invasion, leaving a power vacuum in the Caucasus Mountains. The Ottoman and Russian empires cooperated to divide up parts of the Safavid Empire, and the Ottomans gained control of the region around the city of Tabriz in northern Iran. However, an upstart ruler, Nadir Shah, began reassembling the Safavid lands, clashing with the Ottomans in the 1730s and again in the 1740s, before making peace in the 1746 Treaty of Kurdan.

Russia, under Empress Anna (r. 1730–40), seized this opportunity to ally with Nadir Shah and move against the Ottomans' Crimean tributary, setting off another Ottoman–Russian war (1735–39).¹² The Habsburg Empire joined Russia. The Ottomans did well enough against Austria that in the 1739 Treaty of Belgrade, Sultan Mahmud I (r. 1730–54) reclaimed that city from Austria.¹³ But Ottoman arms had not fared so well against Russia. The Russians took two critical Ottoman fortresses, Ochakov and Hotin/Khotyn (both in modern-day Ukraine), and might have gone further, had their Habsburg allies not weakened. The Porte regained both fortresses in the Treaty of Belgrade.

¹¹ Davies, *State and Society*; Hellie, *Enserfment*; Brown, "Serfdom's Demise."

¹² Tucker, "Peace Negotiations," 23.

¹³ For the treaty's background, see Ivan Parvev, *Habsburgs and Ottomans between Vienna and Belgrade (1683–1739)* (Boulder: East European Monographs, 1995); Aksan, *Wars*, 115–16; Marc Antoine Laugier, *Histoire des Négociations Pour la Paix Conclue à Belgrade, Le 18 Septembre 1739* (Paris: Duchesne, 1768); Halenko, "Ottoman Policy."

1

War and Captivity

George de Browne military career was going well until the summer of 1739. An Irishman by birth, a count of the Holy Roman Empire by title, and a Russian officer by occupation, he had been wounded twice while besieging the Ottoman fortress of Azov during the ongoing 1735 War. No sooner had he recovered than he commanded 30,000 men during the siege of another Ottoman stronghold, Ochakov. He was then chosen to serve as liaison with the Russians' Habsburg allies, under the title "Inspector General of Russia to the Imperial Army." He joined the Austrian army protecting the key city of Belgrade. On July 22, however, Browne's fate turned, along with that of the city. The Habsburgs were defeated at the Battle of Grocka, despite the young Irishman's best efforts—he reportedly charged the Ottomans, sword in hand, and killed several enemies before his horse was shot out from under him. This defeat forced the Habsburgs to abandon the city, which the Porte regained in a treaty signed two months later. For Browne, the stakes were even higher: he was enslaved, taken to Edirne, and sold three times. Eventually he found himself serving as valet to an Albanian officer, himself wounded in battle.¹

The life circumstances of a Russian or Ukrainian woman, married to a priest named Ivan, are much more obscure—neither her given name nor his surname, nor even their home, are recorded. Like Browne, she was enslaved during (or very possibly before) the 1735 War. Her captivity, however, came not through battle but probably through a Tatar raid on her village. She remained a slave, likely in an Ottoman household, until her husband came to ransom her and her daughter at war's end.²

Browne and this unnamed woman were but two of many captives the Ottomans took during this war with Russia and Austria. They were quite different—military and civilian, male and female, elite and common, taken in battle and in a raid. Still more captives were not taken in Ottoman conflicts at all, but trafficked into the empire after being enslaved elsewhere. By charting precisely *who* was vulnerable to Ottoman enslavement, and when, we can also chart the gradations and limits of Ottoman legal authority on the eve of the changes traced in this book. Progressively less protection against enslavement was extended to Muslim Ottoman residents; loyal non-Muslims; and the inhabitants of tributary polities, friendly states, states temporarily under truce, and enemy states. Following the status of these groups in the seventeenth and early eighteenth centuries reveals the interaction of customary,

¹ *Histoire*; Henderson, "Browne"; for the battle see Hochedlinger, *Emergence*, 215.

² BOA-DVE 7/20; see also Smiley, "Let *Whose* People Go," 196–7.

Islamic, and treaty law in drawing boundaries of legal and illegal enslavement.³ We will also explore the vital connection between warfare and enslavement, first for the Ottomans and then for their imperial counterparts.

THE ABODE OF ISLAM

Ottoman sultans and most of their officials and soldiers were Muslim. The Islamic legal tradition therefore framed Ottoman captivity. But it was far from the only source of rules, it was interpreted in differing ways, and in any case laws were not always obeyed. Beginning in late antiquity, Muslim states, like their Christian counterparts, banned the enslavement of co-religionists, creating what Jeffrey Fynn-Paul calls “no-slaving zones”—areas whose inhabitants, in the eyes of a given polity, were off-limits to enslavement.⁴ This model is useful in understanding which populations were and were not subject to Ottoman enslavement, but there is more to the picture than a single line between a unified slaving zone and a no-slaving zone.

The Ottomans saw their domains as part of Islamic law’s “Abode of Islam” (Arabic *Dār al-Islām*), the land under Muslim control. Those in different communities might have different functional relationships with the Porte, through different intermediaries, but legally they all could not be enslaved. Outside lay the “Abode of War” (Arabic *Dār al-Harb*), whose inhabitants could be enslaved if allowed by the ruler of the Muslim community, especially in a war to defend or expand the Abode of Islam (in Arabic, a *jihād*). Many Ottoman Muslims interpreted Islamic law in simpler, vernacular ways that did not match the law produced and applied by scholars and the state. Some Ottoman soldiers seem to have viewed all non-Muslims (and certainly those who did not live in the Ottoman Empire) as potential slaves, regardless of the sultan’s decrees. At times, Ottoman Muslims even enslaved other Muslims.⁵

The Ottoman Abode of Islam also had non-Muslim residents, who received guarantees of life, property, and freedom in exchange for a pact of loyalty (*zimmet*) and the payment of taxes (Arabic *jizyā*/Turkish *cizye*).⁶ Such subjects were known as *zimmi*s. Colloquially, Christian *zimmi*s were often called *reaya* in the eighteenth century.⁷ However, *zimmi*s were sometimes illegally enslaved by Ottoman Muslims—most often soldiers near or returning from battlefields—who either operated on vernacular understandings of the law or ignored it entirely. Such captives could contest their enslavement, with mixed results. This ranged from individuals

³ For a useful overview of these categories, not focused on enslavement, see Panaite, *War and Peace*, 79–84. This narrative is also informed by the account in Erdem, *Slavery*.

⁴ Fynn-Paul, “Greater Mediterranean”; see also Rotman, *Byzantine Slavery*.

⁵ D’Ohsson, *Tableau Général*, V:93; Peirce, “Abduction with (Dis)Honor.”

⁶ See generally D’Ohsson, *Tableau Général*, V:85–105; Erdem, *Slavery*, xx, 2–22; Akgündüz, *Kölelik-Câriyelik*, 113–20; Düzdağ, *Ebusuud*, 100–1.

⁷ The term, meaning “flocks,” originally referred to the taxpaying populations, of whatever religion, in distinction to the tax-exempt *askeri*, or military/scribal elite. See Tezcan, *Second Ottoman Empire*, 235–7.

seeking release in a local court, to extensive and difficult redemption operations, as when imperial officials were sent to find captives taken in an illegal corsair raid on the island of Naxos in the sixteenth century. Of course, *zimmîs* (and Muslims) could still be detained for crimes.⁸

From the fifteenth through early eighteenth centuries, the Porte itself systematically enslaved young male children from a number of Balkan (and some Anatolian) *zimmî* communities, as well as Muslim Bosnians. It was always dubious, at best, whether this practice (the *devşirme*, or child levy) could be justified under Islamic law.⁹ Nonetheless, it became a pillar of the Ottoman state, as the levied youths were converted to Islam, trained, and either enlisted in the Porte's elite military units (the janissaries) or received into the scribal service that administered the empire. Some rose as far as the grand vizierate. However, from the early seventeenth century the janissaries, and the scribal service, drew in more and more Ottoman Muslims, the last collection occurring in 1703.¹⁰

Zimmîs could also lose their protections if they rebelled, as determined by the Porte in conjunction with a legal opinion (fatwa) from the empire's chief jurist, the Şeyhülislam. Rebels were either executed or enslaved, by the state or by its soldiers. This could happen to individuals, or to whole communities. In 1770, for example, the Russians backed a revolt by Ottoman Greeks in the Peloponnesus, and in that conflict and the next the Porte issued orders, accompanied by fatwas, to kill men, and enslave "their women and children."¹¹

Also part of the Ottoman no-slaving zone, but not always the Abode of Islam, were several polities that paid tribute to the sultan and owed him loyalty, but were not under his direct rule.¹² One of these was the Muslim Tatar Khanate of Crimea, whose rulers claimed descent from Genghis Khan. In some ways the Crimean Khanate functioned as an independent Muslim state, but they accompanied (and were subordinate to) the sultan on campaigns, and became more obedient to the Porte from the second half of the seventeenth century.¹³ As Muslims, they were part of the Abode of Islam and immune from enslavement. But as the raid that captured Ivan's wife illustrates, the Crimean Tatars were among the most important enslavers in the Ottoman Empire. They launched frequent attacks on Russian and Polish-Lithuanian settlements from the sixteenth century until their last raid in 1769, carrying off perhaps two million people between 1500 and 1700. Another estimate suggests 100,000–200,000 captives, including Circassians, in the first half of the seventeenth century. These numbers were, for a time, nearly comparable to the

⁸ See BOA-CAS 18639; White, *Piracy*, 41–3; Zilfi, *Women and Slavery*, 206–13; Vatin, "Affaire interne"; White, "Slave Laundering." Throughout, I use "corsair" as a blanket term for naval irregulars who primarily attacked merchant ships; "pirates" were those who did so illegally, while "privateers" were licensed by a state—though of course the line between the two depends on one's viewpoint, and was often contested. See Benton, "Legal Spaces"; Thomson, *Mercenaries*.

⁹ See Erdem, *Slavery*, 3–4; Wittek, "Devşirme"; Palmer, "Janissaries."

¹⁰ Quataert, *Ottoman Empire*, 45; Kunt, *Sultan's Servants*; Zevci, "Getting Cooler."

¹¹ See BOA-AESABHI 8/746; BOA-CDH 9437; BOA-DVE 11/26, 63/59; TNA-SP 97/48 #19; Aksan, *Ottoman Wars*, 154; Mazower, *Salonica*, 105–6; Alexander, *Brigandage*, 52; Kurat, *Prut Seferi*, 447; White, "Slave Laundering."

¹² See Kármán and Kunčević, *Tributary States*; Panaite, *War and Peace*.

¹³ Królikowska, "Crimean–Ottoman Relations," 63.

scale of the Atlantic slave trade. Tatars themselves suffered raids, and enslavement, by Cossacks.¹⁴

Other Ottoman tributaries were Christian. Two of the most important for our purposes were the principalities of Moldavia and Wallachia, which together with the sometime Ottoman tributary of Transylvania (claimed by the Habsburgs after 1699) constitute modern-day Romania. Ottoman sultans exercised varied forms of indirect rule including appointing the Moldavian, Wallachian, and Transylvanian princes. Dubrovnik (Ragusa), a city-state on the coast of modern-day Croatia, had a similar relationship with the Porte. These relationships were all regulated by charters (*ahdname*)—grants of privileges extended by the sultan. Among those privileges was immunity from enslavement.¹⁵

The question of whether the tributaries were in the Abode of Islam, the Abode of War, or a third category was complex, but they were often treated as *zimmîs*, and were generally off-limits to Ottoman enslavement.¹⁶ I therefore refer to them as Ottoman. They could lose their protections in the same manner as *zimmîs*. Thus in October 1769, during the 1768 War with Russia, the Porte threatened the prince, nobles, priests, and elders of Moldavia that if they cooperated with Russia, their families could be enslaved. Over the following few months, Sultan Mustafa III (r. 1757–74) indeed issued orders, supported by fatwas, “for the enslavement of the subjects of Wallachia and Moldavia.” Sultan Abdülhamid I (r. 1774–89) did the same for Moldavia in 1789.¹⁷

THE ABODE OF WAR

The northern and northwestern shores of the Black Sea, therefore, were largely controlled by Ottoman tributaries at the turn of the eighteenth century. The northeastern shores, however, were under looser control, outside the Abode of Islam, and were thus more open as an Ottoman slaving zone. In the Caucasus and eastern Anatolia, notables and communities maneuvered between the Ottoman, Safavid, and, later, Russian empires. The status of the Georgian kingdoms of the south Caucasus in the seventeenth and early eighteenth centuries is particularly important for our story.¹⁸ Imeret’i, or western Georgia, was loosely and informally obedient to the Porte. K’art’li and Kakhet’i (eastern Georgia), while ruled for a time by branches of the same royal house, owed some allegiance to the Safavids. (This temporarily transferred to the Ottomans between 1724 and 1735.) For a time in the sixteenth and seventeenth centuries, the Ottomans could have conquered Imeret’i outright, and perhaps also K’art’li and Kakhet’i (which unified in 1762).

¹⁴ Khodarkovsky, *Steppe Frontier*, 22; Kurtynova-D’Herlugnan, *Tsar’s Abolitionists*, 72; Kołodziejczyk, “Slave Hunting,” 152.

¹⁵ Panaite, *War and Peace*; Biegan, *Turco–Ragusan Relationship*; Kunčević, “Janus-Faced Sovereignty.”

¹⁶ See Panaite, *War and Peace*, 409–14.

¹⁷ BOA-CAS 46926; BOA-MHMD 185 #24; Ahmed Cavid, *Müntehabât*, 341; Aktepe, *Mür’î-Tevarîh*, IIB:38; Kirca, “168. Mühimme (I),” 109–12, 178–80, 218–19.

¹⁸ See Kurtynova-D’Herlugnan, *Tsar’s Abolitionists*, 88–9; Hathaway, *Politics of Households*, 101–2; Erdem, *Slavery*, 45–6; Lang, *Georgian Monarchy*, 69–70; Sandwith, *Siege of Kars*, 145–7.

They did not, perhaps because annexation, or even a charter, would have made it illegal to enslave Georgians. They “preferred to keep it as a sort of nursery for slaves,” and compelled the rulers of Imeret’i to send slaves annually.¹⁹ Georgian lords sold their serfs, and families their children, to slave dealers. Others were taken in organized raids by neighboring peoples in the Caucasus, such as the Laz, who lived on the southeastern shore of the Black Sea. In the early eighteenth century, the end of the *devşirme* and the weakness of the Safavids combined to increase both the Ottoman demand and the Georgian supply of slaves. In the middle of the century, when King Solomon I of Imeret’i prohibited the slave trade, Ottoman forces even invaded twice.

Further to the north lived a variety of populations, collectively known as Circassians, who had varying ties to the Ottoman Empire and, at times, affiliations with Russia.²⁰ Only a few coastal fortresses (most notably Anapa) were under direct Ottoman control. The Crimean Tatar Khanate claimed authority over, and exacted tribute from, the western Circassian clans, or Kabardians. Some Kabardians looked to Russia for support against the Tatars, and indeed a Tatar–Kabardian conflict merged into the 1735–39 Russo–Ottoman War. In Circassian society, like Georgian, many were already unfree, and they also enslaved those from outside their society whom they could seize. Circassian aristocrats also launched annual raids in which they kidnapped children from poorer villages to sell into slavery (wealthier captives were ransomed). Such raids were “not simply routinized but ritualized,” involving whole communities and careful planning.²¹ Ottoman slave dealers took advantage of these raids to purchase several thousand captives each year, along with those that Circassian elites sent to the Crimean Tatars as tribute in the early eighteenth century. While all of these means by which Circassians might be enslaved occurred outside Ottoman direct authority (and outside the Abode of Islam), many if not most of the captives were trafficked into the empire.

Many Africans, like Circassians, were enslaved and sold into the Ottoman Empire. While this book focuses on what Madeline Zilfi calls the “northern tier” of Ottoman slavery, centered on Anatolia and the Balkans, we must not ignore the southern tier.²² Each year several thousand people, mostly enslaved outside Ottoman territory, arrived in the empire, via three main routes that Ehud Toledano traces. Some came across the Sahara from the vicinity of Lake Chad to the Libyan or Egyptian coast, and thence into the Mediterranean; others from Sudan, Darfur, and Ethiopia up through the Red Sea; and others still from Zanzibar into the Indian Ocean, and thence into the Persian Gulf. This trade increased in the nineteenth century. Those who were enslaved in Africa for Ottoman service seldom had recourse to states and militaries that could challenge the Porte.²³

Also outside the Abode of Islam, but with far more diplomatic and military power, were the states of Latin Christian Europe. Beginning with Venice, the Porte

¹⁹ Lang, *Georgian Monarchy*, 22.

²⁰ See Grant, *Histories of Sovereignty*, 28–9; Richmond, *Northwest Caucasus*, 25–6, 47–8; Erdem, *Slavery*, 46. See also Kurtynova-D’Herlughan, *Tsar’s Abolitionists*.

²¹ Grant, *Histories of Sovereignty*, 18.

²² See Zilfi, *Women and Slavery*, 195.

²³ Toledano, *Slave Trade*, 19–28; see also Powell, *Memory*; Ferguson, “Africans on Crete.”

extended charters to most of these states. While given the same name (*ahdname*) as the documents subjecting Moldavia and Wallachia to Ottoman vassalage, these “Capitulations” (named for their enumerated articles, not to signify submission) were quite different. The Capitulatory states were powerful and fully independent polities—indeed, French and British global power eventually surpassed that of the Porte itself. Rather than establishing Ottoman control over territories, these charters facilitated friendly relations between the Porte and its main trading partners. They allowed the latter to establish permanent diplomatic missions in Istanbul, and provided a framework within which foreign merchants could interact with Ottoman society and Ottoman law. European merchants employed local Ottoman protégés as assistants and translators (known as dragomans). While they were still subject to Ottoman law, they shared certain privileges, such as a lower tariff on goods, immunity from the *cizye* owed by *zimmis*, and the right to remove cases from Ottoman Islamic courts to be decided by their own consuls.²⁴ Two particular polities, Dubrovnik and Transylvania, straddled the line between “tributaries” and “Capitulatory states”; typically the Ottoman state saw them as the former, and Europeans, as the latter.²⁵

The privileges within the Capitulations were given unilaterally by a sultan, and renewed by successors, in return for pledges of peace and friendship from the corresponding state. The Porte could withdraw, but generally did so only in case of war. All parties regarded them as binding and Europeans frequently made claims, based on their own interpretations. By the mid-eighteenth century, the Porte began referring to agreements it had “concluded” rather than “granted,” and by 1809, Capitulations were recognized as fully reciprocal treaties. The Capitulatory powers were theoretically equal, so that new privileges granted to one were, after a delay, extended to others. The Capitulations were elaborated, and interpreted, by a variety of subsidiary agreements. In the nineteenth century, the Capitulations famously became permanent European impositions, perceived by Ottoman elites as violations of their sovereignty.²⁶

With respect to captivity, the Capitulations operated similarly to the tributaries’ charters. The Porte repeatedly forbade the enslavement of Capitulatory states’ subjects, legitimating its stance with a fatwa from Şeyhülislam Ebu’s-Su’ud in the mid-sixteenth century. When tributary or Capitulatory subjects were illegally enslaved in private hands, they or their states’ representatives could petition for release. Often, converts to Islam were to be released within Ottoman territory, but not returned home.²⁷

²⁴ See Talbot, *British–Ottoman Relations*; Greene, *Pirates*, 38–42; van den Boogert, *Capitulations*; Kołodziejczyk, *Diplomatic Relations*, 167; Panaite, *War and Peace*, 240–2; Özsu, “Ottoman Empire.”

²⁵ Kunčević, “Janus-Faced Sovereignty”; White, *Piracy*, 107–9.

²⁶ Kayaoglu, *Legal Imperialism*; van den Boogert, *Capitulations*, 19, 27; Ahmad, “Ottoman Perceptions,” 3–4.

²⁷ BOA-AESMSTIII 57/4196; BOA-CHR 4784; Noradounghian, *Actes Internationaux*, 1897, I:274, 281, 284, 312; Düzdağ, *Ebusuud*, 108; White, *Piracy*, 23–59; Biegan, *Turco–Ragusan Relationship*; van den Boogert, “European Privateering”; Vatin, “Affaire interne.”

The Capitulatory states, with the exception of Venice at times, were at peace with the Porte. By contrast, the Porte frequently fought large- and small-scale conflicts with its Eurasian neighbors, such as Poland-Lithuania, Iran, the Habsburg/Austrian Empire, and the Russian Empire. Indeed, through the early eighteenth century, such conflicts were nearly constant; when the Porte did not launch campaigns, those on the frontiers—both Ottoman and non-Ottoman—engaged in raiding. On the Black Sea steppes, the Crimean Tatars clashed with Cossacks who, more and more, came under Russian control; in southeast Europe, border guards and militias raided each other; and in the Mediterranean, corsairs claiming the banner of Islam or Christianity plundered ships. All of these clashes were accompanied by enslavement. For the Ottomans, enemy territories were the Abode of War, conflict with them could be considered jihad, and their inhabitants could be enslaved, unless the sultan directed otherwise. The Porte frequently declared conflicts to be jihads during the eighteenth and nineteenth centuries.²⁸

Iran, another frequent Ottoman rival, was different. Its inhabitants were largely Muslim, as were its rulers (the Safavids before 1722, Nadir Shah in the 1730s, and the Qajars from 1794). But they were Shi'a. What did this mean for captives taken during wars with Iran? Some Ottoman jurists ruled that Shi'a enemies should be regarded as apostates, meaning that men were to be killed and women were to be imprisoned, but none could be enslaved.²⁹ Other jurists differed, however, and in the early eighteenth century the Porte deliberately solicited fatwas declaring that the Iranians were effectively enemy non-Muslims, and therefore *could* be enslaved. Indeed, one scholar who opposed the reasoning behind a 1723 fatwa to this effect was exiled.³⁰

Whether against Iran or against Christian rivals, large-scale Ottoman campaigns were punctuated by truces and peace treaties (or, formally, reciprocal exchanges of letters). However, throughout the seventeenth century, these were routinely violated by cross-border raids, which often had the goal of taking captives.³¹ Agreements like the 1606 Ottoman–Habsburg Treaty of Zsitvatorok formally banned such raids, and required that captives taken in them be released without ransom, but such raids were informally tolerated as long as they did not grow too large. This began to change in 1699/1700, after the Treaties of Karlowitz and Istanbul. These agreements delineated the Ottomans' frontiers and banned raiding in peacetime. Central state attempts to enforce the treaties had mixed success, prompting clashes with Crimean Tatars and Don Cossacks. In essence, the ban on raiding extended the Ottoman no-slaving zone, at least during peacetime, to the lands of neighboring states. Although raiding did persist, the line between “legal” and “illegal” was now more meaningful.

²⁸ See White, *Piracy*; Greene, *Pirates*; Boeck, *Imperial Boundaries*; Dávid and Fodor, *Ransom*; Aksakal, “1914 Jihad.”

²⁹ Erdem, *Slavery*, 21; Imber, *Ebu's-Su'ud*, 88.

³⁰ Erdem, *Slavery*, 21; Tucker, “Peace Negotiations,” 30.

³¹ This paragraph draws on Boeck, *Imperial Boundaries*; Pálffy, “Ransom Slavery”; Panaite, *War and Peace*, 233–48; Abou-el-Haj, “Ottoman Frontier”; see also Pešalj, “Peacekeeping”; Heywood, “Frontier”; Fisher, “Slave Trade,” 30–1.

In the eighteenth century, then, slaves could legally arrive in the Ottoman Empire in two ways. First, there were those enslaved violently by Ottoman forces in officially sanctioned conflicts, or raids (even if formally illegal) against foreign states or rebellious *zimmîs*. Second, there were those enslaved outside the empire and its formal tributaries, by non-Ottomans, but then sold to Ottomans.

MILITARY CAPTIVITY

The eighteenth-century Ottoman military, like the empire itself, was not one homogenous entity. This was reflected in the law and practice of military captivity during the seventeenth and early eighteenth centuries, as we will see by following the story of military captivity during the 1735 Russo–Habsburg–Ottoman War. It is not clear that these practices were completely representative of earlier decades or centuries, though when possible I draw comparisons with the 1711 War and the War of the Holy League (1683–99).

However, it is first important to note a few basic terms that are useful to categorize military captivity in any conflict.³² Soldiers who “surrender” or request “quarter” have given themselves up, either en masse (for examples, when the whole garrison of a besieged town submits simultaneously) or individually. Those who are “captured” have not taken the initiative; they may be wounded, or unconscious, deliberately spared in battle, or civilians helpless to resist. The line here may not always be clear. “Deserters” leave their own forces without authorization, while “defectors” seek out the enemy (a deserter may become a defector). It is important to note that soldiers might be killed at any point in the captivity process, and that state policies and practices may regard killing at each point differently. Individual soldiers in close combat may choose to kill their enemy rather than capture them (i.e., offer the option of surrender); they may choose not to accept an individual offer of surrender (known as “no quarter”); or they may choose to execute captives they have already taken (“execution,” or “massacre” if in large numbers). Commanders, meanwhile, might order their men not to accept surrender (a larger-scale version of “no quarter”), or they might order the killing of those already taken.

The Ottoman army of the eighteenth century relied largely on short-term, cash-paid irregular troops, recruited by local notables. Ottoman tributaries, most notably the princes of Moldavia and Wallachia, and the Khan of the Crimean Tatars, also provided their own contingents. On the Ottoman borders, local militias guarded fortifications and often engaged in low-level raiding against their counterparts.³³ This discussion will focus primarily on the main Ottoman army camp,

³² These are drawn from literature on the European context, and seem applicable, even though (as John Lynn cautions) we cannot assume that soldiers were the same across cultural, political, social, and economic contexts. See Lynn, *Battle*; Krebs, *Merciful Enemy*; Wilson, “Prisoners,” 41. For defection in the Ottoman context, see Norton, “Lutheran”; Robarts, *Migration and Disease*.

³³ In addition to the sources on raiding above, see Aksan, *Ottoman Wars*; Stein, *Guarding the Frontier*; Hickok, *Military Administration*.

or *Ordu-ı Hümayûn*, and its outlying detachments and outposts; we will see in Chapter 5 that other Ottoman forces sometimes operated differently.

In the field, the Porte's ability to pay and supply its troops often fell short, resulting in mass desertion (especially after defeats). This gave the Ottomans a further incentive to pursue an old strategy, which was also common in European armies: campaigning on enemy territory, which the troops could more justifiably plunder.³⁴ For the Ottomans, this meant enslaving the inhabitants, as well as taking their animals and produce. Thus the importance of slavery for Ottoman military campaigns probably increased in the eighteenth century, although it had been a major source of profit for soldiers as early as the sixteenth century.³⁵

Official interpretations of Islamic law from the Hanafi school provided a complex set of rules on the fate of captives, differentiating able-bodied men from women and children, and from men who were aged or clergy. In general, captives were not automatically considered slaves, but could readily take on that status with the ruler's approval (or, presumably, that of his agents like the grand vizier), if taken in a jihad. Captives promised safety or *zimmet*, or those who were not capable of fighting, could not be killed. But captives could be massacred under certain conditions, most notably if guarding them put Muslims at risk (for example, if a sudden enemy attack raised the possibility of the prisoners escaping and rejoining the fight). In eighteenth-century parlance, captives from the moment of capture were most often called by the same term (*esir/üsera*), and state officials, for the purposes of diplomacy, rarely referenced more precise legal categories than this, except to differentiate men, women, and children.³⁶

Ottoman soldiers, and their opponents, may have been more likely to kill captives than were eighteenth-century western Europeans fighting other Christians. The available sources make it difficult to quantify this, but while such killing surely happened, it may have been exaggerated in the accounts used by scholars who focus on the European context. In practice, the killing of captives (or potential captives) was probably most likely, as in Europe, in the heat of battle—either at the moment individual combatants or small groups attempted to surrender, or if they had continued fighting after all hope of victory was gone, enraging their would-be captors. Soldiers who found themselves in control of a battlefield occupied by wounded enemy combatants also sometimes preferred to kill them rather than care for them. Mass killings were also likely to occur when storming fortified towns. Deliberate massacres of unwounded captives who were firmly in custody were much less common, at least in the period under study. Ottoman forces did sometimes execute prisoners, on the (legally permissible) grounds that they presented a threat; this may have been a pretext at times. The often-defeated Ottomans, however, were more likely to be on the receiving end of massacres in the eighteenth century. Russian forces killed thousands when they took the towns of Ochakov and Izmail during the 1787 War, while Napoleon executed 2,000 Ottoman captives

³⁴ Faroqhi, *World around It*, 115; Murphey, *Ottoman Warfare, 1500–1700*, 150.

³⁵ Forster, *Turkish Letters*, 102.

³⁶ D'Ohsson, *Tableau Général*, VI:86; Zilfi, *Women and Slavery*, 189; Erdem, *Slavery*, 45; Akgündüz, *Kölelik-Câriyelik*, 116–20; Salaymeh, "Prisoners of War."

taken at Acre in 1799 (apparently because he could not feed them, though he claimed this was a reprisal for Ottoman abuses).³⁷

Without such justifications, however, Ottoman soldiers were not supposed to kill those already taken captive, as a mufti accompanying the army reiterated in 1711.³⁸ The prospect of turning captives over to the state for a reward, selling them into slavery, or ransoming them presented a strong incentive to capture enemies and keep them alive. Ottoman commanders particularly encouraged soldiers to take captives for intelligence purposes. Known as *dils* (literally “tongues”), they were interrogated, and, if they did not talk, might be executed. Some were then sent to Istanbul, along with messengers, as physical evidence of Ottoman victories. They were accompanied by the severed heads, and occasionally other body parts, of dead enemy soldiers. Sometimes Ottoman troops obtained these by beheading living captives, but more often by taking the heads of those killed in battle.³⁹

Those who brought captives, heads, or loot to the state received rewards, which fluctuated with supply and demand. During the 1711 War, those who turned in enemy heads early in a battle received the most, with amounts later falling. At times, the price for a living prisoner rose above that for a head, though often they were equal. These amounts were considerable—between three and sixteen and one-half piasters, which equated to about one to six months’ pay for an average soldier.⁴⁰

Those captives who entered state hands were typically sent to Istanbul, though a few were held elsewhere.⁴¹ In the 1735 War, there were relatively few, compared with later wars: at least 193 between August 1737 and February 1740.⁴² At times these included both enemy combatants and civilians, though usually all men, probably because the state primarily sought galley-rowers and laborers (discussed in Chapter 2).⁴³

Captors did not have to hand over all captives to their commanders, however.⁴⁴ It is unclear precisely how these distinctions were made, and it likely varied according to the situation. In the Second Morean War (1714–18) the state allowed soldiers to claim and sell the captives from three Venetian fortresses. Those from two others were taken into state custody; able-bodied men were sent to the galleys. However, women, children, and elderly or unhealthy men were kept in a camp in Istanbul

³⁷ See Ahmed Cavid, *Müntehabât*, 285; Krebs, *Merciful Enemy*, 86–8, 93–4; Gillespie, *Laws of War*, 140–1; Aksan, *Ottoman Wars*, 165; Hochedlinger, *Emergence*, 386; Wilson, “Prisoners,” 44; Norton, “Terror and Toleration,” 221–8; Parker, “Early Modern Europe”; Parker; Rothenberg, “Age of Napoleon,” 87, 91; Kroener, “Soldat als Ware,” 286–7.

³⁸ Kurat, *Prut Seferi*, 515.

³⁹ BOA-CHR 4050; BOA-CML 13133; TNA-SP 97/30 (3 Mar. 1739); Aksan, *Ottoman Wars*, 96; Aksan, *Ottoman Statesman*, 143.

⁴⁰ BOA-CAS 50339; Aktepe, *Mür’î-Tevârih*, I:76–7; Kurat, *Prut Seferi*, 447, 457, 461; Aksan, “Whatever Happened,” 32.

⁴¹ BOA-AESSÜLII 28/2774; BOA-CAS 3306; BOA-CBH 5307; BOA-İEAS 4266; BOA-İEML 3536, 3780.

⁴² BOA-CAS 37111; BOA-CBH 4280; BOA-CHR 7564, 9225, 9226; BOA-MADd 3864 p. 106, 10339 p. 101–9.

⁴³ BOA-AESSÜLII 9/823.

⁴⁴ D’Ohsson, *Tableau Général*, V:86; Erdem, *Slavery*, 2.

for almost two months until they could be sold into private slavery.⁴⁵ At times the state seems to have prioritized taking prominent officers, and those with useful skills, like artillerymen, who could be enticed into Ottoman service.⁴⁶ This was far from absolute, however—Browne's is just one of several accounts left by prominent officers sold into private slavery.⁴⁷ The imperial navy also seized some enemy sailors, including corsairs, taken at sea, and at times attacked enemy shores with the express goal of seizing slaves to row on its ships.⁴⁸ One chronicler recounts the story of two soldiers who, during the 1735 War, captured 44 Austrian soldiers, and apparently felt free to dispose of them. They brought most to the commander, but offered his chief coffeemaker whichever captive he would like, in return for a cup of coffee. The astonished brewer received a slave who "would have had the value of 300 piasters in peacetime."⁴⁹

Slave dealers accompanied the Ottoman army, and they likely took advantage of such situations to earn huge profits reselling captives for higher prices in Istanbul.⁵⁰ So many other soldiers were selling their captives at the same time as the coffee incident that the chronicler reported prices fell to five piasters for boys and girls, and two piasters for older men.⁵¹ While this was likely an exaggeration, it is clear that prices did drop when captives were numerous. After one Tatar raid in 1736, so many captives were taken that prices in the Khan's camp reportedly fell to twenty piasters per person, while the most valuable were sold into galley service at Caffa for seventy piasters each.⁵²

At least some Ottoman soldiers ruthlessly calculated their captives' value compared to the rewards they could expect from the state. At one point during the Prut War in 1711, Grand Vizier Baltacı Mehmed Pasha gave ten piasters to those who brought him enemy heads, but allowed those who brought captives simply to keep them—apparently expecting the sale price to be reward enough. Some soldiers, having no desire for prisoners, merely took a few steps away from Mehmed's tent, beheaded their captives, and then returned with the heads to collect ten piasters each.⁵³ This was difficult to justify legally, but apparently tolerated.

Civilians could also be enslaved, and Ottoman armies seized by far the most captives when they were able to break into enemy territory. After Ottoman victories in 1736, slaves filled the markets of Thessaloniki.⁵⁴ Half a century later, during the next Habsburg–Ottoman conflict, the main Ottoman army plundered the Habsburg Banat of Temesvár (Timișoara in modern-day Romania), carrying off tens of thousands of people. Bosnian militias similarly enslaved many in Habsburg Croatia.

⁴⁵ Çetin, *Esir Kampı*; Ertaş, *Ordu*, 320–1. Çetin calls these captives "prisoners of war," using a different definition than that employed here.

⁴⁶ BOA-CHR 8156, 9225, 9226; BOA-İEBH 659; TNA-SP 97/29 (10 July 1738).

⁴⁷ See, e.g., Stoye, *Marsigli's Europe*; *Histoire*, 20–2; Faruqi, "Prisoner of War."

⁴⁸ BOA-CBH 5452, 6982, 7815; BOA-DBŞMd 40886; BOA-İEBH 1355; Aydın, *Sultanın Kalyonları*, 324–6.

⁴⁹ Aktepe, *Mür'it-Tevârih*, I:76–7. For the same trope see Zilfi, *Women and Slavery*, 142.

⁵⁰ Zilfi, *Women and Slavery*, 144–5; Erdem, *Slavery*, 20; Kołodziejczyk, "Slave Hunting," 153–4.

⁵¹ Aktepe, *Mür'it-Tevârih*, I:76.

⁵² Tübençokrak, "Keyfiyet-i Rusiyye," 52–3.

⁵³ Kurat, *Prut Seferi*, 457–61.

⁵⁴ Mazower, *Salonica*, 105.

As these captives arrived in Ottoman slave markets, the price of enslaved women fell drastically.⁵⁵

Captors also frequently ransomed their captives, which we will discuss in Chapter 2. Both enslavement and ransom provided income for Ottoman soldiers, which was important in an army often short of cash and supplies. Enslaving non-combatants could be even more lucrative than enemy soldiers, and was easier—if the Ottoman army was fighting outside the Abode of Islam. One incident from the 1768–74 Russo–Ottoman War makes this particularly clear. Poland remained at peace with the Porte during that conflict, and indeed the Ottomans had gone to war to prevent Russian meddling in Polish affairs. But, a chronicler admitted, when the war went badly for the Ottomans, soldiers found that “it was difficult to take Muscovite slave girl[s],” as Russia was “a faraway country.”⁵⁶ So Sultan Mustafa III, on the pretext that the presence of Russian forces violated Polish treaty obligations, allowed his forces to invade Poland. The British envoy John Murray observed that “these Excuses for entering into Poland seem to me to be entirely groundless: but there is little Plunder for the Troops elsewhere.” “A War carried on without Money,” he lamented, “must deal Barbarity, and Devastation all around.” Between 1,000 and 5,000 Poles were enslaved, and sold in the Ottoman army camp for thirty piasters each—or at a bargain, five for fifty piasters.⁵⁷

The Ottoman state imposed a slave tax (the *pencik*, or *hüms-i mîrî*, or “fifth”), on all captives taken in war or trafficked into the empire. In earlier eras, the sultan’s officers may have picked out individual captives to fulfill this obligation. By the seventeenth century, however, the tax was usually collected in cash, based on a fixed, nominal value for each captive. Scribes in the field prepared receipts for payment and issued these to captors; without them, in theory, slaves could not be bought or sold. Records in the Ottoman archives show the tax was collected on the battlefield with at least some regularity during the War of the Holy League, and in the 1714–18 Second Morean War.⁵⁸

However, the battlefield slave tax seems to have fallen into disuse in the eighteenth century. The Armenian–Ottoman–Swedish writer Mourdjea d’Ohsson noted in the 1780s that “this formality” of issuing slave-tax papers was not regularly observed on campaign, and this is borne out by the archival record. A number of Ottoman register books record the collection of the slave tax as a customs duty, at ports including Istanbul and Gallipoli, but there seem to be no equivalents to the seventeenth-century battlefield registers. There is more evidence of the tax being collected from naval expeditions, such as one sent against corsairs in February 1740. But on land, there is little indication of the slave tax being collected on

⁵⁵ TNA-FO 78/9 #14, #40, #46; TNA-FO 78/10 #26; Hochedlinger, *Emergence*, 384; Bayram, “Enverî Târîhi,” 472.

⁵⁶ Ahmed Câvid, *Müntehabât*, 292–3, 313–17.

⁵⁷ TNA-SP 97/45 #16, #17, #18, 97/48 #1; Kirca, “168. Mühimme (I),” 18–19.

⁵⁸ BOA-DBŞMd 2, 111, 128; BOA-İEAS 329; BOA-İEML 926; BOA-MADd 581, 21946; D’Ohsson, *Tableau Général*, V:92; Çetin, *Esir Kampı*; Ertaş, *Ordu*, 321; Imber, *Ebu’s-Su’ud*, 86–7; Erdem, *Slavery*, 19–20.

military or civilian captives taken in wartime, whether in cash or in kind, during the eighteenth century.⁵⁹

OTHER EMPIRES

The other imperial states of Eurasia had their own slaving zones and no-slaving zones. Iranian shahs shared with the Porte the concepts of the Abode of Islam and Abode of War, and their roles in regulating captivity. Iranians enslaved non-Muslims taken in war, especially Georgians, as well as fellow Muslims defeated during internal conflicts. However, much more than in the Ottoman Empire, Iranian Muslims could be enslaved internally to pay debts, or as tribute.⁶⁰

Christian states' own legal vision of the world, for the purposes of captivity, was not too different—they also viewed those of other religions as vulnerable to enslavement. Diplomats and scholars often claimed that agreements could exempt the residents of non-Christian polities from enslavement. However, as with the Ottomans, raiders like the crusading Knights of St. John, based on Malta, contested this with different legal interpretations, arguing that all Muslims, and even Christians under Muslim rule, were vulnerable to corsair attack.⁶¹

Both of the Ottomans' main eighteenth-century rivals, the Habsburgs and the Romanovs, enslaved Ottoman captives. The War of the Holy League brought thousands of Ottoman Muslims, both combatants and noncombatants, into Austrian hands. The Habsburg state took some into its custody, but many remained in private captivity after the 1739 Treaty of Belgrade, and some as late as the 1790s. Some converted to Christianity.⁶²

Vast numbers of Russian subjects, within their own country, were held as serfs, a status in some ways similar to slavery. Other Russians sold themselves into slavery, or were sold by others, though this subsided in the early eighteenth century. Some military captives—Muslim Ottomans and even Catholic Poles—were incorporated into this system, while others were put into household slavery. Outside of regular wars, Cossacks launched both legal and illegal raids against Muslim populations under Ottoman protection. Over the course of its eighteenth-century wars against the Ottoman Empire, the Russian state increasingly took captives into its own custody, including thousands of noncombatants captured when Ottoman fortresses or cities fell. But some were still privately enslaved or enserfed. Both Muslim and Catholic captives could convert to Orthodoxy, which might improve their situation or even lead to freedom—though converts also

⁵⁹ BOA-HAT 213/11585; BOA-MADd 3497, 9784; BOA-MHMD 147 #270; TSMAd 5409; D'Ohsson, *Tableau Général*, V:85, 92; Aydın, *Sultanın Kalyonları*, 324–6.

⁶⁰ Mirzai, *Slavery and Emancipation*, 74–90.

⁶¹ See White, *Piracy*; Greene, *Pirates*; Drescher, *Abolition*, 20–1, 32.

⁶² BOA-HAT 1344/52530; Tolasa, *Temeşvarlı Osman*; Quakatz, “Muslimisch-Osmanische Kriegsgefangene”; Spies, “Türkischer Kriegsgefangener.”

generally could not leave the empire. Catherine the Great (r. 1762–96) codified this custom with an order in 1781.⁶³

The empires based in western Europe, while not direct rivals of the Ottomans in the eighteenth century, held slaves on a massive scale. Drawing partly on legal traditions holding that non-Christians could be enslaved, Britain, France, the Netherlands, Denmark, and other countries bought or seized millions of captured Africans and pressed them into plantation slavery. Europeans also enslaved some among the Americas' indigenous peoples.⁶⁴

The Christian no-slaving zone, however, encompassed intra-European conflicts by the time of the middle ages. The influential seventeenth-century Dutch scholar Grotius held that while those captured in "public and solemn war" presumptively became slaves, "the powers of Christendom" abstained from this "cruel right" out of charity. Thus "prisoners of war" were not "sold, or compelled to the hardships and labour attached to slavery" (the same was true, he believed, for "Mahometans" in wars with each other).⁶⁵ In practice, sometimes captives in intra-Christian wars, as in other conflicts, were killed at the moment of capture or massacred afterwards. European scholars were divided on whether the latter practice was permissible, but it certainly occurred from time to time. It was more common when states fought rebels—in such cases they might even occasionally sell Christian prisoners into slavery. In any case European armies were not supposed to attack, and certainly not enslave, Christian noncombatants. However, the garrisons and even inhabitants of fortified towns that refused to surrender could be massacred, and this occurred (with decreasing frequency) into the early nineteenth century. Many observers believed abuses of captives were more common in inter-religious wars, including with the Ottomans.⁶⁶

Overall, however, the "[s]ystematic, deliberate mass murder of captives was relatively rare" in early modern Europe.⁶⁷ Grotius wrote that those taken alive were to be held for ransom either by their individual captors, or, for "personages of extraordinary rank," by the state.⁶⁸ Private ransom arrangements were common between knights during the late middle ages, but in the sixteenth and seventeenth centuries states increasingly took control over paying and receiving soldiers' ransoms. Sometimes captor states would enlist captives in their own forces—a practice which led states to pay for the upkeep of their own captured soldiers, giving them an incentive not to join the enemy. Such practices later gave way to large-scale exchanges, or "cartels." A cartel was a trade, usually one-for-one, based on captives' ranks. Noble officers could also be released on "parole": a promise not to take up arms again for the duration of the war, guaranteed by their word as honorable

⁶³ See Lohr, *Russian Citizenship*, 15–16; Boeck, *Imperial Boundaries*; Kolchin, *Unfree Labor*; Hellie, *Slavery in Russia*; Lappo-Danilevski, "Serf Question," 276–7.

⁶⁴ Drescher, *Abolition*, x, 40–5; Davis, *Inhuman Bondage*; Fynn-Paul, "Greater Mediterranean."

⁶⁵ Grotius, *War and Peace*, 345–7; see also Fynn-Paul, "Greater Mediterranean."

⁶⁶ Krebs, *Merciful Enemy*, 87–8, 93–4; Gillespie, *Laws of War*, 136–7, 142–3, 148, 161; Bell, *First Total War*, 49; Lynn, *Battle*, 134, 137; Parker, "Early Modern Europe," 45, 47; Rothenberg, "Age of Napoleon," 91; Wilson, "Prisoners," 45–6.

⁶⁷ Wilson, "Prisoners," 44.

⁶⁸ Grotius, *War and Peace*, 346–7.

gentlemen. From at least 1648 onwards, captives were generally released without paying ransoms when wars ended.⁶⁹

Military captivity, then, united the Ottomans, Russians, Habsburgs, or western Europeans in the seventeenth and eighteenth centuries. State authorization, religion, and geography delineated which populations were, and were not, subject to enslavement. This was not just a simple question of whether a territory was under Ottoman control; different rules applied to Ottoman Muslims, non-Ottoman Muslims, Ottoman non-Muslims, recipients of imperial charters, Capitulatory powers, former enemies now at peace, and current enemies. Under the right circumstances, violence could legally transform people into property. From there, captives' paths—whether deeper into Ottoman society, or back to their homelands—depended largely on their sale.

⁶⁹ Krebs, *Merciful Enemy*; Gillespie, *Laws of War*, 139–40; Lynn, *Battle*, 133–4; Keen, *Late Middle Ages*; Morieux, “Conflicts of Honour”; Neff, “Nineteenth Century”; Wilson, “Prisoners”; Parker, “Early Modern Europe.”

2

Slavery and Ransom

Despite George de Browne's noble title, his military victories, his high rank, and his elite connections, his enslavement was ignominious. Browne's task was to pull his Albanian master, who had himself been wounded in battle, on a cart while the latter lay atop bags of raisins, and ate from them (or so Browne's biographer claimed). But Browne did not stay in servitude. When the Russian government heard of his plight, it contacted the French ambassador to Istanbul, who paid to ransom him. Browne thus went free even before the war ended. He worked as a spy, pretending to be a slave while gathering intelligence about the Porte's plans, before returning to Russia and rising to the rank of field marshal.¹

Browne was fortunate to benefit from such wealthy and powerful patrons, but the factors that shaped his fate did the same for thousands of other captives on the seventeenth- and early eighteenth-century Ottoman frontiers. Even Ivan's unnamed wife obtained her freedom for a ransom (probably a much smaller one). For most captives, slavery and freedom depended on their ransom or sale value, in turn based on individual characteristics. Even the Russian emperor, and the Ottoman sultan, bought captives for negotiated prices—whether to free them or to use their labor. Much of this changed after 1739, but before these changes can be examined, we must understand previous traditions. What was Ottoman slavery, and how did one get out of it? What, in particular, was the Ottoman state's role?

SLAVES AND SLAVEOWNERS

Slavery in the Ottoman Empire inherited a long Mediterranean tradition; Ottoman practices and ideas had many precedents, not only in Islamic history, but in the Christian Byzantine Empire and before that in ancient Greece, Rome, and the Near East.² Most slaveowners were elite Muslim men, but not all. Theoretically, Islamic law did not allow Christians and Jews to own slaves, especially those who were or who became Muslims, but some did. For captives themselves, slavery encompassed a variety of experiences, meanings, and functions. Some performed

¹ *Histoire*, 21–2; Henderson, “Browne.”

² This paragraph draws on Sobers-Khan, *Slaves without Shackles*; Zilfi, *Women and Slavery*; Toledano, *Slavery and Abolition*; Hathaway, *Politics of Households*; Erdem, *Slavery*; Akgündüz, *Kölelik-Câriyelik*; Peirce, *Imperial Harem*; Katz, “Concubinage”; Ben-Nach, “Jewish Ownership”; Crecelius and Djaparidze, “Georgian Mamluks”; Faroghi, “Slave Identities”; Fisher, “Slave Trade”; Seng, “Liminal State”; Fisher, “Chattel Slavery”; Vryonis Jr., “Gulams.”

menial labor; others skilled work. Most famously, many Ottoman elites owned slaves, male and female, for household labor, which was often mixed with sexual exploitation. In this, their households mirrored the sultan's own (discussed below). This system sometimes offered opportunities for advancement, especially for enslaved male children, who could be raised, trained, and then manumitted to set up their own household while remaining patrons of their former owner. Women sometimes were better off after bearing their owners' children. Elite households built on slavery were most prominent in Istanbul, but were also found elsewhere. Egypt, in fact, was ruled by households formed and perpetuated by manumitted slaves (*mamluk*) who in turn passed on their power to their own slaves, usually young men or boys bought from the Caucasus, after freeing them. Most household slaves, however, had little or no route to such power.

This was also true for those engaged in hard labor. While large-scale agricultural slavery was rarer than in the Americas, difficult work of other types was not. Particularly relevant for us is galley service—holding captives to row oar-powered ships, which was often fatal. Some rowers were owned by the Ottoman state. Others were in the hands of naval contractors known as the “Sea Lords” (*ümerâ-i deryâ*), who accompanied and supported the Ottoman fleet and administered the islands of the Aegean. They operated their own fleets of galleys and owned hundreds of slaves to row on them.³

Many of these slaves were eastern Slavs—those called, in Ottoman Turkish, *Rûs* or *Moskovlu*, populations that became Russian subjects in the eighteenth century. They were the largest group in the court records of both sixteenth-century Üsküdar (the “Asian side” of Istanbul) and seventeenth- to eighteenth-century Konya (in central Anatolia).⁴ In Aleppo, further from the empire's northern frontiers, Slavs and Georgians made up about one-third of those appearing in seventeenth-century court records, with the number rising as the century went on.⁵ However, at the uppermost levels of elite household slavery, Russian slaves appear to have been less prominent than Georgians, Circassians, and South Slavs. This may have been related to Ottoman elite stereotypes about the suitability of different ethnicities for different roles.⁶

The sultan himself owned many slaves. The harem was vital to perpetuating the dynasty and, indeed, to organizing power within the capital and the empire more broadly. In the eighteenth century it was home to 450–500 enslaved women at any one time. Many of these came through the Black Sea slave trade. All were, legally, sexually available to the sultan, but in practice many served as household workers rather than concubines. Those who did bear the sultan's children, particularly sons who became sultans, at times held political power themselves. Those who did not were generally freed after several years, and often married to officials and military

³ Panzac, *Marine Ottomane*, 192, 200–1; Marmara, *Zindan*, 56–62.

⁴ Seng, “Liminal State,” 28; Sak, “Köleler,” 225–35. Slaves only appeared in court records when they were involved in a legal or notarial proceeding: Sobers-Khan, *Slaves without Shackles*, 29–45; Zevi, “Court Records.”

⁵ Wilkins, “Demographic Profile,” 238, 241.

⁶ See Sobers-Khan, *Slaves without Shackles*, 109–17; Fisher, “Chattel Slavery,” 40–1; Kunt, “Cins Solidarity.”

officers. Women from Circassia and the Caucasus—especially Georgia—were prominent in the eighteenth-century imperial harem.⁷

Sultans also had many male slaves, in both administrative and military roles. Some of these they purchased from the Black Sea slave trade, but many more came through the “child levy” (*devşirme*), before the eighteenth century. They were then made to convert to Islam and raised to serve the sultan—most of them as janissary soldiers, but others as officials and scribes. Some could rise to high office, even to the grand vizierate.⁸

Less famous, but numerically also important, were the “State Slaves” (*üsere-i mîrî* or *mîrî esirler*), detained in the Imperial Naval Arsenal (*Tersane-i Âmiri*) in Kasımpaşa (a neighborhood of Istanbul, just north of the Golden Horn). These captives were all male, often young, and generally healthy, at least at first. Some were sent to work in mines and, before the 1740s, at the imperial cannon foundry, while a few were assigned to the sultan’s palaces. Others divided their time between the imperial navy’s galleys, which the weather allowed to put to sea only for half the year, and various other types of work. State Slaves were only some of those who rowed on galleys; others were convicts, or free Ottomans hired or levied from guilds or religious communities.⁹ During wars in the seventeenth century, the state and the Sea Lords together seem to have held 2,000–4,000 slaves, while around the beginning of the eighteenth century, the number of State Slaves alone consistently hovered between 500 and 1,000. When the ceremonial flagship and two other ships were sent to sea in March 1700, 982 rowers were needed, 448 of them State Slaves.¹⁰

Many if not most of those captives were Slavs from the steppes. For example, they accounted for just over half of the 2,483 slaves aboard fifteen Ottoman galleys captured by Maltese corsairs between 1652 and 1661.¹¹ It seems that captured Russian military men were especially likely to be pressed into galley service, probably because they were young and reasonably strong—making them ideal rowers.¹²

In wartime, captives and particularly Russians poured into the Arsenal—while there were 298 State Slaves before the 1735 War, the number rose to 709 by early November 1736. The number fluctuated as new arrivals offset deaths from illness and those lost at sea; by March 1739 there were 662 State Slaves present, of whom 115 were from Habsburg lands, and 235 were Russian. Even during this conflict, however, the galleys needed more rowers. In June 1737, a number of State Slaves working in mines near Kastamonu were recalled to Istanbul, and as the Black Sea

⁷ Zilfi, *Women and Slavery*; Peirce, *Imperial Harem*; Argit, “Çırağ Edilen Cariyeler,” 11; Argit, “Female Slaves.”

⁸ See Imber, *Ottoman Empire*, 116–30.

⁹ BOA-CAS 42763; BOA-CSM 6039, 8498; BOA-MADd 4629; Panzac, *Marine Ottomane*, 69–70, 201; Faroqi, *World around It*, 127; Erdem, *Slavery*, 30–1; a recent detailed study of the State Slaves is Nalçacı, *Sultanın Kulları*; see also Çetin, *Esir Kampı*, 137–40. For the foundry, several documents imply that slaves had once been employed, but were subsequently routinely replaced by paid laborers: BOA-CAS 11048, 21184, 23183, 40264, 42219, 50864.

¹⁰ BOA-DBŞMd 40876; BOA-İEHR 907; Panzac, *Marine Ottomane*, 69; Marmara, *Zindan*, 16–18.

¹¹ Panzac, *Marine Ottomane*, 70–1. See also Earle, *Corsairs*, 183; Fisher, “Slave Trade,” 38–9; Davies, *State and Society*, 25.

¹² This is implied by the affiliations of Russian captives released in the 1740s (AVPRI-KM 90/1/149 49r) and by the stories traced in Taki, *Tsar and Sultan*, 60–2.

fleet prepared to leave in April 1739, the British envoy Everard Fawkener reported that “[a]ll sorts of People have been taken for Rowers & Seamen.”¹³

The State Slaves were held in the prison (English *Bagnio*; French *Bagne*; Russian *Tyurme* or *Banye*; Ottoman Turkish *zindan*) of the Istanbul Arsenal. The Bagnio contained small chapels, as well as separate sections for skilled craftsmen involved in shipbuilding, for workers who rowed or performed manual labor, and for those too ill to work. Skilled workers declined in number during the seventeenth century, though the reasons for this are unclear. The Arsenal also housed convicted criminals (*mücriman*), but the Ottomans maintained a legal separation between them and State Slaves. Ottoman Christians could enter the Arsenal as either convicts or State Slaves, probably depending on whether their actions were seen as criminal or rebellious. Until the early nineteenth century, Jesuits and then Lazarists ministered to Catholic slaves, both those in state hands and those of the Sea Lords.¹⁴

However, technological and military changes diminished the Ottoman state's need for unskilled male labor, as oared galleys were replaced by sail-powered warships. This happened first in the Mediterranean, in the late seventeenth and early eighteenth centuries. Oared vessels remained useful in the Black Sea for a few decades longer; a fleet sent to Crimea in 1737 contained only three large sailing ships, compared to fifteen galleys and seventy smaller ships (which may have been oared). Another Ottoman fleet, annihilated by Russian ships at the battle of Çeşme in 1770, contained thirteen galleys. But after this defeat, as the Ottoman Kapudan Pasha Gazi Hasan rebuilt the fleet, the use of oars diminished in both the Black Sea and Mediterranean. By 1784 the Ottomans had forty-nine major sailing ships in various states of construction, but only eight galleys—four of which were in ill repair. An Ottoman fleet deployed to the Black Sea in 1829 contained only sail-powered vessels. A few galleys remained, but not for front-line service.¹⁵

While sail-powered warships required large crews—over 1,400 on some—those crews needed to be more specialized.¹⁶ Some captives continued to be employed on sailing ships, often in smaller numbers—twenty to thirty per ship, probably as menial laborers. Numbers fell further as the century went on; by 1800, state vessels put to sea with fewer than twenty slaves aboard, and some as few as four.¹⁷ The Kapudan Pasha's ceremonial galley (not the sailing ship he commanded in battle) remained an exception, manned by as many as fifty rowers in 1792.¹⁸ Thus when the Ottoman fleet went to sea in 1780, only 171 slaves, out of 276 in the Arsenal,

¹³ BOA-CAS 42763; BOA-DBŞMd 1911, 2002; TNA-SP 97/30.

¹⁴ BOA-DBŞMd 1679, 1847, 1911, 2002, 2211; BOA-KKd 5675; Panzac, *Marine Ottomane*, 59–63; Marmara, *Zindan*; Bostan, *Bahriye Teşkilâtı*, 32. Lazarists also worked in North Africa: Weiss, *Captives and Corsairs*, 46.

¹⁵ TNA-SP 97/45 #9, #24; TNA-FO 78/11 #33; *Authentic Narrative*, 70; Habesci, *Ottoman Empire*, 21–2, 397–8; Shcherbatov, *Paskévitsch*, 30–1; Panzac, *Marine Ottomane*, 174, 181–2, 184–7, 223–4, 238, 503; Zorlu, *Innovation and Empire*, 2, 4, 45; Anderson, *Naval Wars*, 206; Wilson, “Prisoners,” 45. For early Ottoman sailing ships, see Aydın, *Sultanın Kalyonları*.

¹⁶ Aydın, *Sultanın Kalyonları*, 321; Panzac, “Ottoman Navy,” 45–6.

¹⁷ BOA-CBH 196, 7419, 9562, 10027, 12676; TSMAd 2721.

¹⁸ BOA-CBH 9972; Tisdale, “Memoirs,” 121r, 146r; Aydın, *Sultanın Kalyonları*, 34.

went with it.¹⁹ By the early nineteenth century, the Arsenal housed only 80–200 State Slaves in peacetime. A British traveler claimed there was scarcely any work for them to do.²⁰

Merchant ships likewise turned from oars to sails in the early eighteenth century. Beyond seafaring, the declining demand for male slaves may have been connected to economic and population changes, but this is unclear without further study. The prices of older men, at least, do seem to have fallen in the late eighteenth and early nineteenth centuries, but the demand for enslaved boys, girls, and women remained strong through the 1850s. Indeed, women made up the “vast majority” of slaves by the late eighteenth century, and as Madeline Zilfi argues, their symbolic importance was greater still.²¹

Eighteenth-century sultans had several ways of acquiring slaves. Both the *pencik* slave tax and the *devşirme* child collection were essentially defunct in the early eighteenth century. Ottoman officers sporadically seized slaves, with little indication of legal procedures or systematization. This was especially true for high-ranking captives, useful bargaining chips in negotiations with other states. The fleet sometimes abducted enemy subjects when it needed rowers. Others were seized on land, either for intelligence or for labor.²²

During the War of the Holy League in the late seventeenth century, the state held some captives, both combatants and non-combatants, men and women, in fortresses or in the army camp. In Istanbul, well-connected officers were sent to the fortress of the Seven Towers (Yedikule), while lower-ranking captives were consigned to the Arsenal.²³ This included some Ottoman Christians, apparently captured in enemy service—their labor was, presumably, as useful as that of any other captives.²⁴ Among enemy captives sent to the Arsenal, a few artillerymen were pressed into service. During the 1735 War the Ottomans also rounded up captured soldiers and induced (or forced) them to enlist in the army of its favored pretender to the Habsburg throne, József Rákóczy.²⁵

The sultan received other slaves as gifts from his tributaries, particularly those who had access to large numbers of captives. The Khan of Crimea sent some taken in slave raids on the steppes—700–800 at a time during the early stages of the 1735 War.²⁶ Occasionally the Porte specifically requested captives, for example to serve on newly constructed galleys.²⁷ The North African regencies (and Morocco, which was independent) also sent western and southern Europeans taken at sea. In April 1750, for example, the Algerians sent 110 Spanish captives, mostly soldiers

¹⁹ BOA-DBŞMd 41452.

²⁰ BOA-CBH 2914, 3131, 9640; Slade, *Records of Travels*, 104–5.

²¹ TNA-FO 78/955; Zilfi, *Women and Slavery*, 190; Brown, “Serfdom’s Demise,” 350; Sandwith, *Siege of Kars*, 145, 147; Wilson, “Prisoners,” 45.

²² BOA-İEBH 1355; Pálffy, “Ransom Slavery,” 43–4.

²³ BOA-AESSÜLII 9/823, 28/2774; BOA-CBH 5307; BOA-İEAS 3306; BOA-İEHR 540; BOA-İEML 3536, 3780.

²⁴ BOA-CBH 8419; BOA-KKd 5675; BOA-MADd 10339 pp. 104–5, 108.

²⁵ BOA-CHR 7102; BOA-İEBH 659; BOA-MADd 3864 p. 106; TNA-SP 97/29 (7 Jan. 1738), 97/30 (20 Dec. 1739); Hochedlinger, *Emergence*, 214.

²⁶ BOA-CMTZ 18/889; BOA-CSM 119/5995; Tübençökrak, “Keyfiyet-i Rusiyye,” 53.

²⁷ Fisher, “Slave Trade,” 36.

or sailors. Two years earlier, fifty others had arrived, thirty-three of them Spanish and ten French.²⁸

Neither gifts nor seizure, however, could meet the Porte's needs, as "the fleets could have swallowed up a multiple of those made available to them."²⁹ So the sultan simply bought captives. He may have been a privileged player in the slave market, but his agents paid varying prices, presumably in competition with other buyers. This was the case with eight women—four Georgian and four Russian—bought for the harem in June 1711, for prices ranging between 150 and 280 piasters. During the War of the Holy League, the state bought other captives from Kurdish, Turkmen, and Albanian soldiers for "bargained" prices of seventeen to twenty piasters each.³⁰ Likewise, shortly after the Ottoman victory over the Habsburgs at Grocka/Hisarcık in July 1739, an official named Abdi Ağa was given 2,000 piasters and a commission "to purchase from the hands of the holy warriors of monotheism, in order to place in the Imperial Arsenal, [some] from among the captives taken in the Battle of Grocka near Belgrade."³¹ He bought twenty-five slaves from twenty-three different Ottoman soldiers for prices between fifteen and forty piasters, while an official gave him two more, apparently free of charge.

Bargaining meant the Porte sometimes paid more than officials might have wished. When 100 slaves were urgently needed to serve on newly constructed sail-powered ships (probably as menial laborers) in June 1690, a scribe recognized this. It was customary, he noted, to buy captives inexpensively from the Tatars in Kefe/Feodosia and other Crimean ports. In this case, however, there was insufficient time, so the Porte would have to turn to the pricier Istanbul slave market, where it could expect to pay 80–100 piasters each. Therefore, a sum of 9,000 piasters was allocated, based on a projected average price of ninety piasters each.³² Such tradeoffs between time and money likely would have been familiar to private slaveowners. So was the financial benefit of *selling* slaves, which sultans also did, though rarely.³³

LOCAL CUSTOMARY LAW

Not all captives entered either private or state slavery, however—many were ransomed soon after capture. The Ottoman state's preferred Hanafi school of Islamic law allowed prisoner exchanges more readily than ransom, but in practice both were common.³⁴ As a growing body of scholarship shows, all along the Ottoman frontiers in the sixteenth through eighteenth centuries, a variety of local systems of customary law facilitated ransoming and exchanging captives: in the eastern and western Mediterranean, on the Balkan frontiers of modern-day Croatia and Bosnia, along the contentious Ottoman–Habsburg border in Hungary, on the steppes

²⁸ BOA-CBH 7239; BOA-MADd 10350 pp. 138–9; Aktepe, *Mür'it-Tevârih*, I:150.

²⁹ Fodor, "Ransom Slavery," 2007, xvii.

³⁰ BOA-AESSÜLII 28/2756; BOA-CSM 4027. See also BOA-CBH 7746; BOA-CSM 8884; BOA-DBŞM 40876; Faroqi, "Prisoner of War," 209.

³¹ BOA-CBH 6292.

³² BOA-İEBH 405.

³³ BOA-AESSÜLII 9/797.

³⁴ Forster, *Turkish Letters*, 219; Akgündüz, *Kölelik-Câriyelik*, 118–19.

north of the Black Sea, and in the Caucasus. Even Ottoman tributaries could exchange captives with each other through ransom.³⁵

While most scholars have focused on one region or another, there were many shared characteristics in these systems of frontier ransoming.³⁶ Géza Pálffy, in a phrase that refers to the Hungarian frontiers but can be applied more broadly, calls the rules around ransoming “the customary law of the border zone.”³⁷ Brian Boeck, writing of the steppes, similarly speaks of “mutually acceptable rules for peacemaking and ransoming.”³⁸ For most captives, ransom funds came from their families, friends, and associates—if they could afford to pay. Others appealed to guilds, visitors from their hometown, peers, and sometimes various state bodies. These connections were not only crucial to ransom, but they were also reinforced by it: while capture severed captives’ bonds to their communities, “the ransom business restored social identities that otherwise would have been disrupted or discarded.”³⁹

Ransom was often tied to religion; since the seventh-century Arab conquests, both Muslim and Christian communities embraced the idea that they had a responsibility to preserve “the free status of [their] members.”⁴⁰ Many European Christians thus felt a duty to their enslaved coreligionists of the same denomination, so Lutherans ransomed Lutherans, Catholics ransomed Catholics, Anglicans ransomed Anglicans, Huguenots ransomed Huguenots, and Orthodox ransomed Orthodox. These lines were not absolute, however. For Catholics, the most important players were two ransoming orders of monks, the Trinitarians and Mercedarians, who maintained missions in Spain and North Africa and later in Istanbul and Rumelia, and who raised their ransoming funds through donations from individuals and states. The order prepared lists of ransomed slaves, dedicated to its most prominent patrons, to help in fundraising. However, by the late eighteenth century some claimed these lists were forged, with actors hired to portray “ransomed” slaves.⁴¹

The Russian state played an important role in ransoming from the mid-1500s onward, working together with the Orthodox Church to raise and distribute ransom funds.⁴² This was religiously motivated, but also reflected Russia’s perennial need for agricultural and military labor, which drove policies to “attract and hold”

³⁵ See Katkó, “Transylvanian Army.”

³⁶ This discussion of ransom is a synthesis and summary of several studies. Particularly useful, for different contexts, are Weiss, *Captives and Corsairs*; Boeck, “Tournaments of Value”; Pálffy, “Ransom Slavery”; Fodor, “Ransom Slavery,” 2001; Sugar, “Professional Prisoner.” In addition to these and other sources noted in the next few paragraphs, see White, *Piracy*; Kaiser, *Commerce des captifs*; Faroghi, *World around It*, 119–34; Bracewell, “Ritual Brotherhood”; D’Amora, “Manumission of Slaves”; Ginio, “Piracy and Redemption”; Hitzel, “Captif ottoman”; Stoye, *Marsigli’s Europe*.

³⁷ Pálffy, “Ransom Slavery,” 42–3.

³⁸ Boeck, *Imperial Boundaries*, 53.

³⁹ Boeck, “Tournaments of Value,” 266.

⁴⁰ Rotman, *Byzantine Slavery*, 30–2, 44, 53; Fynn-Paul, “Greater Mediterranean.”

⁴¹ Habesci, *Ottoman Empire*, 411–14; Weiss, *Captives and Corsairs*, 97; Davis, *Christian-Muslim Slavery*, 279–85; Colley, *Captives*, 75–81; Theolin, *Swedish Palace*, 59; Davis, “Geography of Slaving,” 64; Weiss, “Barbary Captivity,” 244–5; Davis, “Redemption in Venice,” 457; Jahn, “Loskauf,” 64–73.

⁴² This paragraph draws on Kurtynova-D’Herluggan, *Tsar’s Abolitionists*, 69; Khodarkovsky, *Steppe Frontier*, 22, 223; Gvosdev, *Georgia*, 43; Suny, *Georgian Nation*, 58; Hellie, *Slavery in Russia*, 5–8, 25–6, 525–6; Aktepe, *Mür’it-Tevârih*, III:19–20; Lavrov, “Slavery and Gender,” 310–16; Matsuki, “Crimean Tatars,” 174–5; Fisher, “Slave Trade,” 41.

subjects.⁴³ The state's funds went not only to Russian subjects, but also to some enslaved Orthodox Christians, such as Georgians. The funds were raised through a tax, which was first imposed in 1551 but more systematically regulated after 1649. This law code—the *Ulozhenie*, which also codified serfdom—specified the ransom to which each subject was entitled, ranging from fifteen to tens of thousands of rubles (for nobles, ransoms were based on land holdings). These amounts were specified only for male captives, but in practice they applied to women as well. Ransom was sporadic, however, and one had to plead one's case—claims to have been captured while in service to the tsar were particularly helpful. Nevertheless, ransom became tremendously expensive: Michael Khodarkovsky estimates that Russia paid five million rubles in ransoms during the first half of the seventeenth century, and suggests this may have impeded Russian urban development.

While religion often affected which captives would get help from which ransomers, the particular prices depended on captives' individual characteristics. Those who were wealthy or well-connected (if not seized immediately by the state) could afford higher ransom prices, calibrated to their, or others', ability to pay. Captives therefore might lie about their wealth or social position. Captors responded by gathering information through cross-border networks, ransom brokers, or even torture.⁴⁴

When funds were available "it made little difference who paid for the slaves as long as the price was right."⁴⁵ That usually meant exceeding (often far exceeding) what a captive could fetch if sold within the Ottoman Empire. Sale prices, in turn, depended on a captive's age, strength, beauty, virginity, and health. Captives with technical skills might be too valuable to ransom at all. Even Orthodox captives ransomed by Russia were still subject to negotiated prices: captors typically knew how much the state would pay for each captive, and set their ransom demands above this. Then captives still needed to raise money for their own ransom, based on their ability to pay. In any case, those with no ability to pay, and no connections, might not be ransomed at all.⁴⁶

In the field, the soldiers who initially took captives would sell them, for lower "wholesale" prices, to dealers who would ransom them, or resell them deeper into the Ottoman Empire.⁴⁷ Intermediaries who facilitated the flow of information, money, and captives, existed all along the Ottoman northern tier. In the Mediterranean, they could be the monks noted above, French merchants, or even captured Ottoman judges; in the Balkans, they were "professional prisoners," who deliberately allowed themselves to be captured so as to broker deals to ransom other captives; further east, they might be professionals, or Armenian, Greek, and

⁴³ Lohr, *Russian Citizenship*, 5, 12.

⁴⁴ Greene, *Pirates*, 2–3; Davis, *Christian-Muslim Slavery*, 124–7; Boeck, "Tournaments of Value," 263; Earle, *Corsairs*, 170; Dávid, "Male Slaves," 55–6; Sugar, "Professional Prisoner."

⁴⁵ Fisher, "Slave Trade," 41.

⁴⁶ Forster, *Turkish Letters*, 102, 156; Zilfi, *Women and Slavery*, 193–4; Davies, *State and Society*, 26; Davis, *Christian Slaves*, 96; Witzentrath, "Conquest of Kazan," 297; Boeck, "Tournaments of Value," 260; Davis, "Redemption in Venice," 460–1.

⁴⁷ Boeck, "Tournaments of Value," 262; İnalçık, "Servile Labor," 37.

Jewish merchants whose commercial ties crossed political boundaries.⁴⁸ Such facilitators operated mostly on the frontiers, and at least through 1699, ransom was less likely as captives were moved away deeper into the Ottoman Empire. In the steppes, the Ottoman ports on the north shore of the Black Sea, from which captives embarked for Anatolia, were the “point of no return.”⁴⁹

One reason ransoming was less likely away from the frontiers may have been that most central states took a limited role. Russia, as noted, funded ransoms, as did Poland-Lithuania. The Ottoman state rarely did, and it also seldom accepted ransom payments for the sultan’s own slaves. (However, European diplomats found that gifts to officials often could secure individuals’ release.)⁵⁰ Ransom was often the responsibility of local communities, guilds, families, or religious institutions, but this changed to some extent in the late seventeenth century. The British, French, and Venetian states began to perceive an obligation to aid their captured subjects or citizens—whether through ransom or, in North Africa, through force. The noted Swiss legal scholar Vattel likewise believed “the state is bound to procure, at her own expense, the release of her citizens and soldiers who are prisoners of war,” including through treaties.⁵¹

Thus the customary law of the border zone was just that: customary, rather than written; localized, rather than universal; and made, implemented, and enforced on the frontiers, not between central states. The benefits and costs—captives returning or not; ransoms being paid or not; captives being killed or not, and reprisals for violations—fell on people in the “border zone,” not on the central state. In the seventeenth century, for example, when a grand vizier ordered the execution of Habsburg captives taken at the fortress of Uyvar (Nové Zámky in modern-day Slovakia), frontier forces protested that “to destroy the captives in cold blood was an action against the Laws of Arms, and might be revenged by their enemies with like examples of cruelty.”⁵² This seems to be a plea that the locals had more at stake, since they were the ones who would bear the brunt of enemy reprisals, long after the main army had moved on or disbanded.

RELEASE

Those who were not ransomed soon after capture were typically sold into slavery within the Ottoman Empire. They joined others who were trafficked there after being enslaved outside (like Circassians, Africans, or many Georgians). Their fates

⁴⁸ Sugar, “Professional Prisoner”; see also Forster, *Turkish Letters*, 178–9; Boeck, *Imperial Boundaries*, 51; White, *Piracy*, 60–99; Weiss, *Captives and Corsairs*; Kaiser, *Commerce des captifs*; Katkó, “Transylvanian Army,” 99; Kołodziejczyk, “Slave Hunting,” 156–7; Fodor, “Ransom Slavery,” 2001; Davis, “Redemption in Venice.”

⁴⁹ Boeck, “Tournaments of Value,” 266.

⁵⁰ TNA-SP 97/30 (15 Mar. 1739, 10 Nov. 1739); TNA-FO 78/10 #36; Pingaud, *Choiseul-Gouffier*, 206; Faroqi, “Prisoner of War,” 207; Fodor, “Ransom Slavery,” 2001, 126.

⁵¹ Vattel, *Law of Nations*, III/1 §154; White, *Piracy*; Weiss, *Captives and Corsairs*; Colley, *Captives*; Heinsen-Roach, “Reluctant State”; Davis, “Redemption in Venice.”

⁵² Stein, *Guarding the Frontier*, 23–4; see also Bracewell, “Ritual Brotherhood,” 338–9; Lavrov, “Slavery and Gender,” 319; Boeck, *Imperial Boundaries*, 40–53.

varied. Captives held for hard labor, like galley rowers, often died of disease or overwork before they reached old age, although elderly State Slaves could be released out of mercy.⁵³

For others, especially domestic slaves, captivity might not be a dead end—it could be a “liminal” and temporary state.⁵⁴ Ottoman law and society offered several ways out of slavery, but few of these led home. Freedom could be contractual, as Ottoman courts recognized and enforced owners’ promises to free a captive after a certain period or amount of labor had been completed. More broadly, Islamic law and tradition encouraged voluntary manumission, especially upon owners’ deaths—which in any case usually freed women who had borne children to that owner. Elite male slaves were often freed to become clients of their former owner. Ottoman society was in many ways a network of involuntary social affiliations, including religion, languages, neighborhoods, villages, guilds, and extended families. Slavery integrated outsiders into these networks—though often against their will, usually through suffering, and only if they survived.

Many captives converted to Islam.⁵⁵ This was not usually required, and captors were not required to release those who did convert, but both were common and customary. Conversion could be registered in local courts, but was not in most cases. Although European captivity narratives told lurid tales of forcible conversion and circumcision, this was in fact uncommon. Compelled conversion was unacceptable under Islamic law, and it might deprive owners of any chance to collect a ransom. Most often, conversion was a gradual process, mediated less by formal Islamic law or state institutions than by communal acceptance and changes in behavior and dress. It could mark entry into Ottoman society, and a commitment to the Ottoman state. In part this was because conversion was irreversible—through the mid-nineteenth century, apostasy remained theoretically punishable by death.

Those in state custody could be released through inter-state agreements. Foreigners who were enslaved after their state had been granted Capitulations were generally entitled to release because their captivity had been illegal in the first place. Most often, the envoys of those states made requests for them. There were a few exceptions, however. As we will see in Chapter 7, it remained unclear if it was legal to enslave or detain Capitulatory subjects who had fought against the Ottomans in an enemy army. Those who had served aboard anti-Ottoman corsairs found it especially difficult to win release. In 1739, for example, the British minister at Istanbul, Everard Fawkener, required a great deal of effort and eventually several gifts to Ottoman

⁵³ BOA-CBH 8419; BOA-İEBH 1355.

⁵⁴ Seng, “Liminal State”; Zilfi, *Women and Slavery*, 15. For this paragraph see also Sobers-Khan, *Slaves without Shackles*; Toledano, *Silent and Absent*, 29–30; Toledano, *Slavery and Abolition*, 7; van den Boogert, “*Homo Ottomanicus*”; Katz, “Concubinage.”

⁵⁵ Particularly informative for this paragraph’s discussion are Zilfi, *Women and Slavery*, 158–60; Norton, “Conversion to Islam”; Isom-Verhaaren, “Shifting Identities”; Faroqi, “Slave Identities”; Seng, “Liminal State”; Sobers-Khan, *Slaves without Shackles*, 117–18; for conversion more generally, see Graf, *Sultan’s Renegades*; Deringil, *Conversion and Apostasy*, 21–2; Krstić, *Contested Conversions*; Baer, *Glory of Islam*; Norton, “Narrations of Conversion”; Reinkowski, “Hidden Apostates”; Rothman, “Becoming Venetian”; Ginio, “Childhood”; for apostasy see Peters and de Vries, “Apostasy in Islam.”

officials before he could obtain the release of five Englishmen captured “aboard Maltese Cruizers.” He reported to London that his French counterpart had been unable to release “a Captain of a Corsair, the Ambassador I hear did not ask for him, possibly because he knew he would be refused.”⁵⁶ The captain was likely a member of the Knights of St. John, the crusading order based on Malta whose members, often born in France, had for at least a century presented a thorny legal issue when captured.⁵⁷

The Ottoman state frequently released captives in its own custody after peace treaties ended conflicts—for example a one-to-one, rank-for-rank exchange followed an agreement with Venice in 1669.⁵⁸ It also seems to have been customary for the Porte to release those slaves in the sultan’s hands when other agreements were reached with their states, even though their enslavement would have been lawful since it occurred previously. This was the case for Sicily in 1740, and based on that precedent, for Spain in 1784.⁵⁹

A few more won release through individualized requests, which ambassadors could make for their states’ enslaved subjects. The French and Venetian ambassadors were also, by custom and as a favor, allowed to reclaim and take with them one or two State Slaves, possibly including corsairs, when they returned to their states from Istanbul.⁶⁰

EXTENDING RANSOM

Ransom was increasingly regulated by treaties around the turn of the eighteenth century. First, through the 1699–1700 Treaties of Karlowitz and Constantinople/Istanbul, states demarcated borders in the Balkans and steppes and banned raiding across them. As Boeck argues, marking lines on the map, or on the ground, was less important than persuading, or coercing, those actually on the borders to maintain them. The Ottoman and Russian states attempted to enforce these agreements, engaging in a protracted effort at “joint bureaucratic regulation and retribution” to control cross-border raiding. This sometimes meant forcing the release of those taken illegally; at times the Russians compensated Cossacks, creating a “state monopoly” on ransom. The Crimean and Kuban Tatars, however, continued making sporadic raids well into the eighteenth century, selling captives into the Ottoman Empire.⁶¹

For these slaves, for those taken in later wars, and for those in captivity within the Ottoman Empire in 1700, ransom remained the rule, even as the Russians sought to curb it in the borderlands. Indeed, ransom extended into the Ottoman

⁵⁶ TNA-SP 97/30 (15 Mar., 10 Nov., 19 Dec. 1739).

⁵⁷ Greene, *Pirates*, 15–16; Weiss, *Captives and Corsairs*, 13–14, 93.

⁵⁸ BOA-DVE 16/4 p. 10; Noradounghian, *Actes Internationaux*, 1897, I:134; Mahmud Mesud, *Muahedat*, II:144.

⁵⁹ BOA-CBH 8232; BOA-CHR 1072, 6475, 6479; BOA-İEHR 1965; Tabakoğlu, *Osmanlı-İspanya İlişkileri*, 44–6; D’Amora, “Naples and the Ottoman Empire,” 717.

⁶⁰ BOA-CHR 1459; BOA-İEHR 1590; BOA-MADd 4629; Marmara, *Zindan*, 48.

⁶¹ Boeck, *Imperial Boundaries*, 149, 157, and more generally 134–58, 231–44; see also Pálffy, “Ransom Slavery”; Abou-el-Haj, “Ottoman Frontier.”

interior. As early as the sixteenth century, Polish agents had the right to travel through the Ottoman Empire in search of captives, to ransom them wherever they were found, and to send them home with assurances of safe passage. At the same time, the Ottoman state guaranteed that slaveowners would certify, by oath, the price they had paid for a captive, and would not demand a higher ransom. At first, those who had become Muslim were to be set free but not returned; later they were to remain enslaved. It is unclear why this shift took place, but it extended to other agreements and became an important part of the Law of Release. The 1606 Ottoman–Austrian Treaty of Zsitvatorok, renewed repeatedly throughout the seventeenth century, also provided for ransoming or exchanging captives according to their value.⁶²

The Karlowitz treaties applied these rules more generally. Ransom was extended, explicitly in the Polish agreement, according to “the manner described in the charters given in the past.” This meant that captives in state hands were to be released without payment, on a one-to-one basis at first, but with the excess on one side or the other apparently to be freed later. Captives held in private hands could buy their freedom for their purchase price, or for a “just and reasonable” ransom. If a ransom could not be agreed, the matter was to be referred to the local judge, who would set a ransom. The treaties required that owners should not greedily demand excessive ransoms. In all cases, converts to Islam were exempted from return and perhaps implicitly from liberation as well. A subsequent agreement with the Habsburgs clarified that all Habsburg subjects could be ransomed, including children born to enslaved Christian women.⁶³

Peter the Great, who had allied with Austria, Poland, and Venice, held out for better terms than the Ottomans offered at Karlowitz. He finally made peace with Mustafa II (r. 1695–1703) in 1700.⁶⁴ The Russians proposed a ransom-free release that might have applied to all captives, but in the end, terms resembling those of the Polish, Austrian, and Venetian treaties were “accepted without considerable controversy.” State officials took a larger role in ransoming than before.⁶⁵ Some Russian subjects were ransomed by Trinitarians, and others continued to return in significant numbers as late as 1702.⁶⁶

These rules endured for decades. They were renewed in a 1706 Venetian–Ottoman agreement, in the Habsburg–Ottoman Treaties of Passarowitz (1718) and Belgrade (1739), and even in a 1790 Polish–Ottoman treaty.⁶⁷ Matters remained a bit more

⁶² Kołodziejczyk, *Diplomatic Relations*, 241, 291, 541–2; Dávid, “Male Slaves,” 141–2; Bayerle, “Zsitvatorok,” 19.

⁶³ Quotations are from Kołodziejczyk, *Diplomatic Relations*, 597, 624. For the Venetian, Polish, and Austrian treaties, respectively, see BOA-DVEd 16/4 p. 25, 55/1 p. 25, 57/1 p. 25; see also Hammer-Purgstall, *Osmanischen Reiches*, VII:19; Noradounghian, *Actes Internationaux*, 1897, I:182–96; Jahn, “Loskauf,” 66–7.

⁶⁴ BOA-DVEd 83/1 pp. 3–4; PSZRI, #1804; Noradounghian, *Actes Internationaux*, 1897, I:201.

⁶⁵ Boeck, *Imperial Boundaries*, 137–41.

⁶⁶ Massie, *Peter the Great*, 543–4; Dávid, “Male Slaves,” 184–8; Dávid, “Female Slaves,” 232–3; Bülbül, “Rus Elçisi,” 28, 39.

⁶⁷ BOA-DVEd 16/4 p. 78; Kołodziejczyk, *Diplomatic Relations*, 653; Noradounghian, *Actes Internationaux*, 1897, I:195, 218–19.

unsettled with Russia, perhaps because of the uncertain balance of power. After the Ottomans surrounded Peter the Great on the River Prut in 1711, they agreed to allow him and his army to return home, but the agreement did not touch on Russians *already* captured. Grand Vizier Baltacı Mehmed Pasha apparently rejected a Russian attempt to insert terms freeing other captives. The defeated Russians, by contrast, agreed to release *all* captured Ottomans.⁶⁸

These agreements, with the exception of that in 1711, in many ways extended the “customary law of the border zone” deeper within the Ottoman Empire, in what I will call the “Law of Ransom” to emphasize its more general, inter-state nature. Those taken illegally in peacetime raids, of course, were to be liberated freely, though this was not always possible.⁶⁹ But for those taken during wartime, ransom—and those who paid it—remained the principal means of liberation. Ransom’s reach had grown, as it now could redeem captives who had been sold to owners well inside the Ottoman Empire. In 1719, for example, the Trinitarian monks received safe passage throughout Ahmed III’s lands.⁷⁰ Ransom also changed in form, as the rules of the customary law were incorporated into bilateral treaties.

THE LAW OF RANSOM IN ACTION

To understand how the Law of Ransom worked, we can examine the release of captives after Ottoman–Habsburg Treaty of Belgrade (1739). This built on, and had much in common with, practices after the Treaty of Karlowitz.⁷¹ It was also contemporaneous with the quite different liberation of Russian captives, without ransom, that is explored in Chapters 3 and 4.

Captives in Ottoman state custody were quickly handed over. Upon receiving the Habsburgs’ ratification on 5 November 1739, Grand Vizier İvaz Mehmed Pasha presented thirty-two State Slaves from the Arsenal to the Austrian envoy. Others, on both sides, were generally released upon the arrival of the respective ambassadors, which happened in August 1740.⁷² After the Second Morean War, which ended in 1718, the Porte had specifically decided to treat Habsburg captives in its custody better before their release, in hopes of ensuring reciprocal treatment. There is no indication that this continued in 1739–40, but it at least foreshadowed later improvements in Russian captives’ treatment.⁷³

The Porte issued, and later repeated, orders to local authorities, both in Istanbul and in the Balkan provinces, explaining the treaty’s terms for liberating other captives. Those slaves “in the hands of individuals” would be ransomed and would

⁶⁸ Kurat, *Prut Seferi*, 527–8, 730–1.

⁶⁹ Boeck, *Imperial Boundaries*, 155–6. I thus differ with both Boeck and Pálffy, who see the 1699–1700 agreements ending the customary rules.

⁷⁰ Hammer-Purgstall, *Osmanischen Reiches*, VII:252.

⁷¹ See BOA-CHR 2625; BOA-İEAS 4508; Jahn, *Freilassungserklärungen*; Dávid, “Male Slaves”; Dávid, “Female Slaves”; Hitzel, “Captif ottoman”; Jahn, “Loskauf.” The text of the Treaty of Belgrade can be found in BOA-DVEd 57/1 p. 83; Noradounghian, *Actes Internationaux*, 1897, I:247–8; Wenck, *Codex*, 341–3.

⁷² BOA-DVE 49/3; Laugier, *Négociations*, II:104, 157.

⁷³ BOA-AESAMDIII 44/4411.

travel home, and officials were not to hinder this process.⁷⁴ The central state did little beyond this, although in one or two instances the Porte reprimanded galley commanders who apparently would not accept ransoms of any amount.⁷⁵ In another case the Habsburg envoy anticipated that, upon the arrival of his agent, “the owners of the aforementioned slaves being just and reasonable people, it is my hope that they will not oppose [us] in the matter of [the slaves’] ransoms.”⁷⁶ It was rare, however, for the Porte to send orders on this topic, and it is unclear how often judges stepped in (as the treaty allowed). It seems that for the most part ransom prices remained a matter of negotiation between ransomers and captors.

Precisely because of the Ottoman state’s limited role, archival documents do not contain systematic records of ransoming, though they do preserve safe-conduct passes for many of the ransomers as they traveled around the Ottoman Empire.⁷⁷ The Habsburg ambassador sent out Ottomans in his service, with safe passage orders from the Porte, on general searches or in response to rumors of the existence of slaves in particular places.⁷⁸

Trinitarian monks, usually in groups of one to three and accompanied by one or two servants, or occasionally by Ottoman imperial messengers, travelled the main routes through the Balkans. They carried safe passage guarantees from the sultan, and (Karl Jahn claims) earned goodwill from Ottoman subjects because they confined themselves only to ransoming, not proselytizing. They went to work quickly; as early as August 1740, thirty of those they had freed sought safe passage home. There is no evidence, however, of the Trinitarians operating in Anatolia or the Arab provinces.⁷⁹

Others also helped. The Dutch consul at Ankara, for example, claimed reimbursement from the Austrian government for ransoming its subjects.⁸⁰ Others took matters into their own hands, like a woman named Ivana, who came to Istanbul seeking her daughter, Maria. She had learned Maria was in the hands of Koloncu Mustafa Ağa, a resident of Thessaloniki. It is unclear how Ivana came by this information, but it may be that Mustafa had contacted her in order to collect a ransom.⁸¹ Such private arrangements were probably common, especially on the frontiers, but invisible in state records—Ivana appeared only because she had come all the way to Istanbul, and chosen to apply for safe-conduct papers. Some other ransomed slaves, however, are visible in central records; they gathered at the Ambassador’s residence in Istanbul, and travelled back to Habsburg lands under the Porte’s protection, and sometimes even at the Porte’s expense.⁸²

As one would expect from a negotiated system, ransom prices varied widely—in ransom certificates collected by Jahn, Habsburg officials and monks paid between

⁷⁴ BOA-DVEd 58/2 #11, #19, #122.

⁷⁵ Jahn, “Loskauf,” 72–3. See also BOA-AESMHDI 251/20442.

⁷⁶ BOA-DVE 49/55. ⁷⁷ See, e.g., BOA-DVEd 58/2 #51, #132, #167, #176.

⁷⁸ BOA-DVE 49/55; BOA-DVEd 58/2 #57, #122, #126.

⁷⁹ BOA-DVEd 58/2 #2, #18, #92, #108, #110, #117, #127, #172; Bozkurt, “Belgrad Antlaşması,” 157–63; Jahn, “Loskauf,” 73.

⁸⁰ Jahn, “Loskauf,” 70.

⁸¹ BOA-DVEd 58/2 #9, #93; Bozkurt, “Belgrad Antlaşması,” 157–63.

⁸² BOA-DVEd 58/2 #17, #50, #127; Jahn, “Loskauf,” 71.

100 and 470.5 piasters for each captive, with an average of around 220. The Trinitarians seem to have been more generous than others. If captives were freed but payment was not forthcoming, they could be returned to the galleys. (The issue of unpaid ransoms also troubled the release of Ottomans held in Habsburg hands.)⁸³

The Porte's limited involvement meant that ransom rarely led to diplomatic disputes. But it also meant that the process was slow and probably far from comprehensive. Ottoman register books record safe-conduct passes for at least 228 captives returning to Habsburg lands between 1739 and 1748.⁸⁴ As late as 1756, the Habsburgs located more than thirty-four slaves around Konya, Beyşehir, and Alanya in Anatolia, and dispatched a representative, accompanied by an Ottoman official, to ransom them.⁸⁵ By contrast, the Russians simultaneously released more captives, more quickly, without paying ransoms—as discussed in Chapter 3.

Who went free? The Treaty of Karlowitz was silent on whether it covered those enslaved as children, but the parties quickly agreed that it did, and this understanding likely continued after the Treaty of Belgrade.⁸⁶ Ottoman documents say little about slaves' origins or religious affiliations, probably because they made little difference to the state—ransomers themselves decided who deserved their funds.⁸⁷ Sometimes the Porte referred to freed captives by their state of origin (*Nemçe*, meaning "Austrian" or "Habsburg"), while others were identified by their language or ethnicity ("Hungarian" or "Czech"). Some ransom certificates entirely omitted such descriptions, identifying freed captives only by their physical characteristics. Both Trinitarian monks and other Austrian agents ransomed not only Austrian/Habsburg (*Nemçe*) slaves, but also Polish, Russian, Venetian, Dutch, French, Serb, Hungarian, Vlach, and Slovenian. This had also been true after the Treaty of Karlowitz.⁸⁸

The Trinitarians, in particular, were probably more concerned with captives' religion: as in previous centuries, Christians of any origin who had converted to Islam were unlikely to be ransomed, even if they wished to be. Christian ransomers often viewed apostates as permanently lost to Christendom. Muslims, meanwhile, saw it as contrary to Islamic law to send converted captives back to Christian lands. For this reason, even when earlier Ottoman agreements had released converted captives, they had to remain in the Ottoman Empire. The Treaties of Karlowitz and Belgrade did not contain that provision, but the Porte did insist that converted captives not be sent back to Austria, and at least once ordered an unspecified "investigation" into the religion of freed captives. Overall, ransomers

⁸³ BOA-DVEd 58/2 #24, #112; Jahn, *Freilassungserklärungen*, 62–93; Hitzel, "Captif ottoman," 204; Spies, "Türkischer Kriegsgefangener," 321; Jahn, "Loskauf," 79–80.

⁸⁴ BOA-DVEd 58/2 pp. 1–65.

⁸⁵ BOA-DVE 49/55; Jahn, *Freilassungserklärungen*, 102–17.

⁸⁶ Hammer-Purgstall, *Osmanischen Reiches*, VII:21.

⁸⁷ Two exceptions are BOA-DVEd 58/2 #122, explicitly including Habsburg Serbs and Hungarians, and BOA-DVEd 58/2 #16, applying the ban on "unreasonable" ransoms to Maria Theresa's subjects—implicitly, not to others.

⁸⁸ Jahn, *Freilassungserklärungen*, 34–41, 50–1, 56–9, 82–3, 86–91, 114–17, 136–7; Dávid, "Male Slaves," 184, 188–9; Dávid, "Female Slaves," 232–3.

likely made their own decisions about whom to free, which helped some, and harmed others.⁸⁹

Thus by 1739, bilateral treaties had extended elements of the “customary law of the border zone” to regulate the ransom of captives not only on the Ottoman frontiers, but within the empire itself. As in Browne’s case, captivity and freedom were still a matter of individualized negotiations and payments between captives, captors, and ransomers. The Ottoman state was one of many players in buying and selling slaves, and it took little role in ransoming. Nearly all of this changed in the following decades.

⁸⁹ Weiss, *Captives and Corsairs*; Bennassar and Bennassar, *Chrétiens d’Allah*, 332–40; Biegan, *Turco–Ragusan Relationship*, 53, 65; Dávid, “Male Slaves,” 184; Dávid, “Female Slaves”; Faroghi, “Slave Identities,” 124; Davis, “Redemption in Venice,” 464–5, 469–70; Weiss, “Back from Barbary,” 117–18; White, “Slave Laundering.”

PART II

Second Interlude: Imperial Conflict and Russian Ascendancy

The Porte held its own in the early eighteenth century, but the 1735 War showed that Russia had gained the upper hand militarily. Peter the Great's conscripted, disciplined, organized army was modeled on techniques developed in western Europe. This force, centered on infantry armed with muskets, could march in lines, maneuver into new formations, and fire in volleys. It was supported by mobile field artillery, and by cavalry. Ottoman forces, on the other hand, were critically weakened by inferior organization, training, discipline, and sometimes leadership.¹

It is important to recognize that this situation was neither permanent nor inevitable, as the Ottomans and other Eurasian polities had long exchanged military and other ideas, practices, and technologies.² At times, the Ottomans had the advantage and forced rivals to adapt to them. For example, in the sixteenth century the Ottomans' widespread distribution of gunpowder weapons gave them an advantage over rival Muslim dynasties like the Akkoyunlu, Safavids, and Mamluks. The Ottomans institutionalized the large-scale production of cannon, and the quality of their muskets was widely respected. At the same time, the Ottoman janissaries (raised through the *devşirme* child levy) formed an elite standing army of trained, disciplined, firearms-equipped infantry that had no equal among their rivals. The sixteenth- and seventeenth-century janissaries even formed lines and fired in volleys.³

In the eighteenth century, however, the janissaries' ranks were diluted by tradesmen, who joined in order to gain tax privileges. As janissaries failed to report for duty, the Porte relied largely on irregular infantry and cavalry, sometimes from particular regions or ethnicities, raised by local notables, judges, and other officials. This reflected the pragmatic, flexible, "contractual" nature of the Ottoman state in this era more broadly, as the Porte made changing deals as necessary to support its

¹ Unless otherwise noted, the narrative here draws on Quataert, *Ottoman Empire*; Aksan, *Ottoman Wars*.

² Burbank and Cooper, *Empires*.

³ Ağoston, "Military Adaptation"; Börekçi, "Volley Fire."

authority.⁴ But such policies also created instability. While some provincial officials maintained their own private armies in war and peace alike, many other soldiers were enlisted for one campaign at a time, and paid in cash—or left unpaid. Rewards, too, came in the form of cash bonuses more than medals or promotions. These irregulars could turn out in large numbers, but often dispersed upon the first sign of defeat. In Aksan's words, the sultan's officers "took up and discarded the irregular troops as need dictated, and were careless about the impact of such a policy on local populations. Hence there was considerable blurring of peasant and soldier, and reduction of border territories to banditry and unrest."⁵ None of these forces was willing or able to adopt more orderly, disciplined tactics. The Ottoman cavalry (a mixture of tribal forces, mercenaries, and *timariots*) could not prevail against Russian infantry who formed close ranks and fired disciplined musket volleys.

Ottoman elites undertook several efforts to strengthen the military during the eighteenth century, many of which either failed or saw limited success. Janissary tradesmen resisted measures that would force them to drill, or even report for duty, in exchange for pay or tax exemptions. The janissaries and their allies, especially young Muslim men in Istanbul, exerted considerable influence over Ottoman policy through their willingness to demonstrate, riot, or even revolt. On several occasions the janissaries allied with Islamic scholars (*ulema*), who provided religious and legal justification for revolts. Such rebellions in Istanbul (not always led by janissaries) overthrew Sultans Ahmed III and Selim III, and threatened to do the same to Sultan Mahmud I in 1740.⁶

The combined power of janissary tradesmen and scholars checked military transformations, and more broadly limited the power of the sultans, even in Istanbul. At the same time, it arguably bolstered the dynasty's legitimacy and stability.⁷ Likewise, while the sultans' power over peripheral territories was attenuated, eighteenth-century fiscal changes, including in the empire's system of tax farming, also tied many elites outside Istanbul to the dynasty even as it strengthened them.⁸

Overall, the disparities between the Ottoman and Russian militaries were tremendously important in shaping subsequent diplomacy, politics, and the lives of millions caught between empires. But those military disparities did not mean, as was once widely believed, that Ottoman defeats marked a comprehensive decline of the empire. Ottoman social and political structures certainly changed between the sixteenth and eighteenth centuries, but this was a process of continuous transformation, rather than a tragic fall from a set of idealized "classical" structures.⁹

The 1768 War was a more serious challenge, raising fundamental questions about Ottoman stability and even survival.¹⁰ The immediate cause of the conflict

⁴ See Yaycıoğlu, *Partners of the Empire*, 2; Aksan, "Whatever Happened."

⁵ Aksan, *Ottoman Wars*, 169. Other local forces, including tribal forces, were common on the empire's southern and eastern frontiers, but this book does not focus on those areas. See Aksan, "Ethnographies of Warfare," 155, 157; Kasaba, *Moveable Empire*; Aksan, "Warrior Populations," 344.

⁶ Tezcan, *Second Ottoman Empire*; see also Yaycıoğlu, *Partners of the Empire*; Başaran, *Social Control*; Olson, "Social Upheaval"; Yıldız, "Selimiyye Incident."

⁷ Tezcan, *Second Ottoman Empire*.

⁸ Salzmann, "Ancien Régime."

⁹ See Quataert, "History Writing."

¹⁰ See the account in Aksan, *Ottoman Wars*, 129–60.

was Russian intervention in Poland, threatening the balance of power in eastern Europe. With informal French support, Sultan Mustafa III declared war and imprisoned the Russian ambassador, Alexei Obreskov, in the Seven Towers. The Ottomans fielded huge forces, but these were often undisciplined, difficult to supply, and dispersed rapidly after a series of disastrous defeats. Russian General Pyotr Rumyantsev crushed Grand Vizier İvazzâde Halil Pasha's field army at the 1770 Battles of Larga and Kagul/Kartal, and then proceeded to cross the Danube.

At the same time, the Russian Baltic Sea fleet rather remarkably sailed out of the Baltic, around Europe, through the Strait of Gibraltar, and across the Mediterranean—stopping in Britain along the way to resupply, acquire more ships, and recruit experienced sailors and officers. (One of those they recruited was Benjamin Tisdale, destined eventually to command the *Maria Magdalena*.)¹¹ This fleet, commanded by Count Alexei Orlov and several British officers, met and annihilated the Ottoman fleet in the bay of Çeşme/Chesma in 1770. The commander of one of the few escaping Ottoman ships, Cezayirli Gazi Hasan Pasha, was hailed as a hero and went on to a prominent career as Kapudan Pasha and later Grand Vizier. While in the Mediterranean, Orlov also backed a revolt by Greek-speaking Ottoman Christians in the Peloponnesus. The Porte responded by dispatching irregular forces in a brutal campaign.

After a truce in 1772–73, further defeats forced the new Sultan Abdülhamid I to approve a humiliating peace treaty, signed at Küçük Kaynarca in 1774. The Porte recognized the Crimean Khanate as independent, though according to the treaty Abdülhamid would remain “Grand Caliph.”¹² The treaty granted Russian-flagged ships the right to sail through the Bosphorus and Dardanelles, and transferred to Russia the Black Sea-basin ports of Azov, Yenikale, Kerch, and Kinburn/Kilburun. It also gave the Russians the right to establish consulates around the Ottoman Empire. While the Russians later claimed the treaty legally permitted them to protect Ottoman Christians, in fact it merely allowed them to construct and protect a single church *building* in Istanbul (which they never did).¹³

The war had not been centered in the Caucasus, but the agreement's terms also extended Russian influence in that area, as Russia gained control of the North Caucasus region of Kabardia. The Ottomans committed to end the slave “tax” once imposed on the Georgian kingdom of Imeret'i. The treaty also recognized Ottoman suzerainty over all of Georgia, even though western Georgia (K'art'li and Kakhet'i) arguably still owed allegiance to Iran. In 1783, through the Treaty of Georgievsk, Catherine pressed her advantage in the Caucasus to take K'art'li and Kakhet'i under her protection and to station troops there, but she regarded the Georgians only “as allies enjoying imperial protection and not subjects of the empire.”¹⁴ The same year, she annexed Crimea.

In the aftermath of Küçük Kaynarca, some Ottoman officials harshly criticized Ottoman military and political failings, and called for reforms. These included the historian Ahmed Vasıf and the plenipotentiary to Küçük Kaynarca, Ahmed Resmi

¹¹ Tisdale, “Memoirs.”

¹² Aksan, *Ottoman Wars*, 142.

¹³ Davison, “‘Dosografa’ Church”; Davison, “Skill and Imbecility.”

¹⁴ Lang, *Georgian Monarchy*, 183–4; Bournoutian, *Armenians and Russia*, 292–3.

Efendi (whose administrative career was crippled by the disgrace of having signed the treaty).¹⁵ Already during the war, the janissary rolls were purged of 30,000 individuals who received benefits without actually serving; after the conflict, Abdülhamid aimed to match Russian firepower by forming a mobile field artillery corps.¹⁶

Ottoman elites, it turned out, were right to see the 1768 War as catastrophic, even beyond its immediate consequences. It ushered in an era of further defeats—the Russians went on to win the subsequent 1787, 1806, and 1828 Wars. Only French and British intervention helped the Porte win the 1853–56 Crimean War.

¹⁵ See Aksan, *Ottoman Statesman*; Menchinger, “Ottoman Historian.”

¹⁶ Aksan, *Ottoman Wars*, 52.

3

From the Law of Ransom to the Law of Release

In August 1742, a woman named Rabia submitted a petition to Sultan Mahmud I. She noted that Aleksandr Rumyantsev, the Russian ambassador sent to Istanbul after the 1735 War ended, had passed through her son Ahmed Ağa's village on his way home. Ahmed was bedridden at the time, but Rumyantsev had freed, and taken with him, a Russian captive whom Ahmed had bought during the late war. Rabia, invoking a recent imperial order, asked that the Ottoman state compensate her, on behalf of her son, with 100 piasters. She commented, however, that Ahmed had originally paid 290 piasters for the captive—and even that had been a bargain. Rabia also presented a note, in Russian, from one of Rumyantsev's aides. This confirmed he had taken custody of a man named Vasil, a Cossack of the Starodubskii Regiment, "found not in the Mohammedan rite." Upon receiving the petition, Grand Vizier Hekimoğlu Ali Pasha and the Reis Efendi, Koca Mehmed Ragıp Pasha, confirmed the note with the Russian mission in Istanbul. Ali then ordered the imperial treasurer to pay Rabia.¹ Vasil returned to his life, and his duties, in Russia. Rabia and Ahmed lost nearly two-thirds of their investment in him. What money they did receive came from the Ottoman state, not the Russians.

Rabia, Ahmed, Vasil, Rumyantsev, Hekimoğlu Ali, Mehmed Ragıp, and the treasurer all played their part in the "Law of Release," a new system that replaced the Law of Ransom. These rules were based on agreements with Iran, and more importantly Russia; on a variety of lesser agreements and unwritten understandings; and on the Islamic legal tradition. They were renewed over the following decades, and applied as late as the 1850s. This chapter will explore the basic structures of the Law of Release—how captives were found, released, and sent home, and how slaveowners were convinced, coerced, or compensated to cooperate. While this was initially limited to Istanbul, and to the most visible captives, it extended both into elite households, and outward along the Ottoman corridors of power. This process tested the limits of the Ottoman state, forcing the Porte and Russian officials to work together against slaveowners. This discussion complements Chapter 4, which takes up the rules' limits, the question of who benefitted most from them, and the relationship between states and *captives*, rather than *captors*.²

¹ BOA-CHR 7771.

² A few others have sketched out and connected these postwar release processes. See Erdem, *Slavery*, 31–2; see also Köse, *Küçük Kaynarca*, 195–205; Zilfi, *Women and Slavery*, 121–3; Brown, "Serfdom's Demise," 356–62; Bozkurt, "Belgrad Antlaşması."

RELEASING IRANIANS

Nadir Shah's Iran was the first state to win a right to the ransom-free release of captives. After he expelled the Ottomans from Tabriz, Nadir sent an embassy to Istanbul in the spring of 1736. The main goals were to establish peace and to secure Ottoman recognition of Twelver Shi'ism as equal to the four schools of Sunni Islam. But captives from the recent war were also on the agenda, as was Nadir's demand for a permanent exchange of resident ambassadors. The resulting negotiations, Ernest Tucker argues, helped to "redefine Ottoman international relations."³ This was certainly true of captivity.

Nadir's envoy, 'Abd al-Baqi Khan, pointed out that "even treaties the Ottomans had signed with European powers called for prisoner exchange."⁴ However, Nadir's demands went further than the Treaty of Karlowitz. In addition to the Porte releasing its own slaves, he wanted those in *private* hands released without ransom. This was previously only done for those who had been enslaved illegally, such as Ottoman or Capitulatory subjects. But these Iranian captives had been taken legally, pursuant to a fatwa from the Şeyhülislam declaring them apostates. 'Abd al-Baqi argued that in Hanafi and even Shafi'i law, the charge of apostasy required individual proof; it could not be leveled at a whole group. Moreover, he pointed out, some Ottoman Christians or Jews owned Iranian slaves, even though they should not under Islamic law. Thus "it was against the shari'a," Abd al-Baqi argued, "to hold Iranian prisoners who did not marry and remain of their own free will."⁵

The Ottomans were unwilling to concede full legitimacy to Shi'a Islam, but they were also not prepared for a showdown with Nadir. The 1735 War with Russia had just begun, and Grand Vizier Silahdar Mehmed Pasha had already left Istanbul to command the army. Just three weeks after the Iranian delegation arrived, Russian forces conquered the important fortress of Azov. The Reis Efendi, İsmail, therefore plotted to avoid Nadir's most unacceptable demand, the recognition of Twelver Shi'ism. In the presence of Sultan Mahmud I, "high-ranking Ottoman ulema, including the Şeyhülislam, cross-examined the Iranian ambassador," in Tucker's words, and ultimately the Şeyhülislam "certified that such an action would not be contrary to Islamic law."⁶ The Ottomans, then—as planned—gave way.

Mahmud issued orders to free Iranian captives, and renewed these after the Iranians claimed the release was not proceeding fast enough.⁷ In the autumn of 1736, at least two sets of orders went out from Istanbul, down the military routes (the right, left, and middle *kols*) of Anatolia. These gently broached the ransom-free release, simply commanding that captives not be bought or sold, and be allowed to return home if they wished.⁸ Iranian ambassadors—both 'Abd al-Baqi and his successor who visited in 1740—dispatched convoys of captives from Istanbul to

³ Tucker, "Peace Negotiations," 16.

⁴ Tucker, *Nadir Shah*, 30. See also Tucker, "Peace Negotiations," 16–17.

⁵ Tucker, "Peace Negotiations," 29; Tucker, *Nadir Shah*, 53–4.

⁶ Tucker, "Peace Negotiations," 30; Tucker, *Nadir Shah*, 43–5, 50, 54.

⁷ Tucker, *Nadir Shah*, 54; Tucker, "Peace Negotiations," 31.

⁸ Sak and Solak, *Konya* 53, 158–60, 650–2. For the *kols*: Heywood, "Via Egnatia," 129–30.

Iran, protected by safe-conduct orders.⁹ The release of captives was eventually incorporated into the Treaty of Kurdan, signed in 1746, and Nadir Shah promised to make efforts to free Ottomans in his own domains.¹⁰

By October 1736, the Porte was moving to implement these orders—but carefully. In Istanbul, individual slaveowners were ordered to bring their captives to the courts, where they seem to have been compensated. The state bought other captives from slave traders, paying one-third of the market price.¹¹ In all, the Ottomans spent perhaps 500,000 piasters and freed 2,000–3,000 captives.¹² The Sea Lords held at least 249 of these aboard their galleys, which were important to the Ottoman navy—so the Porte took advantage of the war with Russia to offer them a special deal. When 398 State Slaves arrived from Crimea in October, eleven Sea Lords were ordered to turn over their Iranian captives, between six and thirty-five each. For every Iranian, they were given two captured Russians (and separately, other captives were simply handed over to them).¹³

While eschewing ransom, this procedure continued many earlier traditions. The Porte recognized slaves' value to their owners, and worked *with* the slave market rather than against it. To be sure, buying at one-third value or exchanging at two-for-one gave the Ottoman state an advantage, but the Porte frequently used such forced discounts in buying other goods.¹⁴ The Ottomans continued to seize higher-status captives: only Russians who were not “captains” or “notable” were given to the Sea Lords. Slaveowners' privacy was also respected. Aside from a vague reference to captives “found” by imams or commissioners, there is no indication that the state took any serious steps to seek out household slaves whose owners hid them.

A few captives mobilized the agreement on their own behalf, but usually as an adjunct to existing claims for freedom. Court records from Konya and Istanbul show judges certifying several Iranian slaves' freedom, but these may have been ordinary manumissions. More notable is the case of a woman named Hatem, who protested to the court of Konya that her former owner, after freeing her and marrying her, had again declared her to be his slave. When the court relied on witnesses to reject this claim, Hatem then argued that she should go free because she was Iranian. Likewise Suleiman and Aisha, an enslaved couple living near Nevşehir in central Anatolia, claimed that after their owner died (perhaps having promised them freedom upon his death), his sons would not free them. The Porte, citing the sultan's orders, agreed they should be released.¹⁵ As late as 1767, an Iranian man petitioned for release, claiming he had suffered in slavery for 30 years.¹⁶ In one more case,

⁹ BOA-CAS 49140; BOA-CHR 5283, 7354, 7678; Sak and Solak, *Konya* 53, 146–7, 153–5.

¹⁰ BOA-HAT 2/1; BOA-ADVNNMHd 3, p. 6; Lockhart, *Nadir Shah*, 255; Tucker, “Peace Negotiations,” 34.

¹¹ BOA-CHR 7087.

¹² BOA-CHR 7087; Tucker, “Peace Negotiations,” 31; Lockhart, *Nadir Shah*, 106.

¹³ BOA-CBH 5452, 8969.

¹⁴ E.g. in acquiring gold and silver, Pamuk, *Monetary History*, 171.

¹⁵ BOA-CADL 429; BOA-CHR 858; İSAM-KS-Istanbul Bab 2/173, 2/173; Sak and Solak, *Konya* 53, 571–2; Zilfi, *Women and Slavery*, 207–8; Erdem, *Slavery*, 21.

¹⁶ Erdem, *Slavery*, 21.

discussed by Zilfi, captives made Islamic and treaty claims simultaneously.¹⁷ These cases suggest that Islamic law—and events like marriage or an owner's death—still structured captives' own understandings of slavery and freedom. International agreements were an afterthought, though sometimes a vitally useful one.

RELEASING RUSSIANS

Compared to Iran, the Russian Empire was a far more frequent Ottoman rival, and a more frequent interlocutor on captivity issues. Here the Law of Release took firmer shape. The 1735 War, which began just as Iranian captives were released, ended in September 1739 outside Belgrade. There, Grand Vizier İvaz Mehmed Pasha signed separate peace treaties with the Romanov and Habsburg empires, with differing captivity provisions. The Habsburg treaty, as noted earlier, continued the Law of Ransom, but the Russian pact did not. It specified that, in addition to state prisoners, all captives, whether taken before or during the war, regardless of their owner, were to be returned without ransom.¹⁸ Notably, these terms were reciprocal, applying to both sides. Those who had converted to Islam in the Ottoman Empire, or to Christianity in the Russian Empire, need not be returned, or even released.

Why did the Russians demand these terms? The Russian Empire, perennially short of agricultural and military labor, sought to attract settlers and keep its own population—a policy of “attract and hold.”¹⁹ Recovering captives advanced that goal, but ransom payments were expensive, and encouraged future raids. Thus in the 1699 negotiations before the Treaty of Istanbul Russian negotiators had unsuccessfully proposed a ransom-less release. Beyond cost, there were other reasons the Russians may have resisted ransom. Within its own sphere of authority, the Russian Empire curbed ransom in the borderlands as it asserted central authority over Cossack communities.²⁰ Externally, there were also precedents: the tsarist state had previously agreed to peace treaties, especially with Poland-Lithuania, requiring captives' release without ransom. To facilitate this, the state had seized slaves, and then registered and collected some of them during wartime.²¹ Finally, Russian diplomats may have been inspired by Nadir Shah's 1736 proposal.

The Ottomans accepted Russian demands, according to the British envoy to Istanbul Everard Fawkener, on “the consideration that there are a great Number of Turks Prisoners in Muscovy, the Price of whose Liberty is to be that of the Muscovites here.”²² Indeed, Russian forces captured thousands of Ottomans in taking the fortresses of Azov, Khotyn, and Ochakov. With the latter, the Russian state acquired Yahya Pasha (who, they were well aware, was son-in-law of sometime

¹⁷ Zilfi, *Women and Slavery*, 207–8.

¹⁸ For the treaty see BOA-DVED 83/1 p. 85; PSZRI #7900; Noradounghian, *Actes Internationaux*, 1897, I:261–2; Wenck, *Codex*, I:377–9; Laugier, *Négociations*, II:114.

¹⁹ Lohr, *Russian Citizenship*, 5, 12.

²⁰ See Boeck, *Imperial Boundaries*, 134–58.

²¹ Stanziani, “Slavery and Bondage,” 99; Hellie, *Slavery in Russia*, 68–9.

²² TNA-SP 97/31 (15 Feb. 1740).

Grand Vizier Hekimoğlu Ali Pasha), and over 4,600 other captives.²³ This contrasted sharply with the Habsburgs' position; they had taken fewer captives, many of whom were in private hands.²⁴ Thus, Fawkener observed, the Law of Ransom persisted: "[t]he Imperialists have had what were within the immediate reach of the Publick, & for what may appear hereafter, they must be content to buy, as they have not the means of Reprisals in their Hands."

Russians in the Arsenal were released quickly, as they had been after previous wars. While there are 235 listed in the ration books in early May 1739, most set off for Russia in the first months of 1740, and only two captives described as Russian remained by the end of January 1740.²⁵ These two may have been captured as corsairs, in which case they would likely have been ineligible for release.²⁶ It is unclear if, when, or how many men or women held in the sultan's own household and harem were released. They likely were, but perhaps Russian diplomats did not press their demands quite this far.

Release was far more complicated for Russian slaves *not* owned by the sultan. The Russian minister, A.A. Veshnyakov, recognized that in the absence of ransom, he would have to rely on the Ottoman state to coerce reluctant owners. And he had important cards to play against the Porte. He threatened not to return Ottoman captives or destroy the fortress of Azov (promised in the treaty) until all Russians were returned, in Istanbul and the provinces, and the Ottomans recognized Anna's (r. 1730–40) title of Empress.²⁷

While the states dithered, captives themselves forced the issue by fleeing to the Russian mission, as early as February 1740. Russian dragomans freed a few others that they encountered. In response, Fawkener noted, "the Owners have recourse to the Porte, & ... found their Grievs upon the Law"—which they believed guaranteed them due process and compensation when their "property" was taken.²⁸ The authorities thus offered a compensation of 100 piasters per slave. Before paying, the Porte required confirmation, from Russian diplomats, that they had received the captive in question.²⁹

At Veshnyakov's urging, İvaz Mehmed went further in mid-May 1740. He issued a general order for slaves' release, reiterated in July. Stressing that the liberation of "a few" Russians was necessary to fulfill the religious duty of freeing Muslims, the orders commanded Istanbul authorities to seize unconverted Russian slaves and give them to the French ambassador, who would send them to Russia with an Ottoman messenger and a Russian officer as an escort. If, while on the road, these officials encountered further Russian captives, or if local authorities knew of such slaves, they were also to be freed. The owners would be given a promissory note by

²³ RGVIA-RTV35 460/1/1 6r–8v; TNA-SP 91/23 (11 Sept. 1739); Aksan, *Ottoman Wars*, 107–10; Aktepe, *Mür'it-Tevârih*, I:68; Mehmed Süreyyâ, *Sicill*, IV/2:243–4.

²⁴ Spies, "Türkischer Kriegsgefangener," 316–35; Jahn, "Loskauf," 76–81.

²⁵ BOA-CHR 540, 3096, 7945; BOA-DVE 7/69; BOA-DVEd 84/2 #60; BOA-KKd 5675; Marmara, *Zindan*, 24–7.

²⁶ BOA-DBŞMd 2392 p. 3; BOA-MADd 17421 p. 2.

²⁷ Aktepe, *Mür'it-Tevârih*, I:107–8; Laugier, *Négociations*, II:147–264.

²⁸ TNA-SP 97/31 (15 Feb. 1740). ²⁹ BOA-CML 31567; TNA-SP 97/31 (15 Feb. 1740).

the Russian officer, while the messenger would send to Istanbul the slaves' and owners' names and descriptions. Slaveowners could redeem their note for 100 piasters per slave, presumably after the Porte compared it with the messenger's list.³⁰

These orders were more systematic than those for Iranian captives (who were being freed at the same time), but their enforcement was sporadic at best. Local Ottoman authorities would not necessarily cooperate. Due to "the constitution of the Ottoman Empire," the Porte protested, release could only be accomplished "with gentleness and little-by-little."³¹ İvaz Mehmed's confidence in challenging elite interests surely did not increase when two revolts rocked Istanbul in June 1740.³²

Among the most notable slaveowning elites were the Sea Lords, who held over 800 Russian captives aboard their galleys.³³ These ships were vital to the Ottoman fleet, not only in wartime but for collecting taxes in the Aegean during the summer. In May 1740 the Porte expressly refused to force the rowers' return, arguing that "they must send their Gallies to Sea, & could not supply the want of these People by any other means."³⁴ However, recovering these captives seems to have been a priority for Veshnyakov: they were a highly visible concentration of enslaved Russians, engaged in difficult and dangerous labor. Moreover, many galley slaves were captured soldiers, whose labor the tsarist state presumably valued. For example, of 29 Russian-speaking captives released from galleys in 1743, seventeen were Cossacks, three were soldiers or dragoons, and three were teamsters—in other words, most if not had been in military service.³⁵

When the summer sailing season ended, the Porte took custody of the Sea Lords' rowers, perhaps as a bargaining chip. Two or three hundred left for Russia in September, but at least 698 more remained in the Arsenal through March 1741. When the winter ended, the captives' return resumed. By late April, 720 Russians had been returned by land, and over the next three months at least 1,120 more sailed for Azov.³⁶

The standard compensation was insufficient for the Sea Lords to buy replacements. In 1736, Iranian galley slaves had been replaced by Russians, but now there was no such easy source of unfree labor to replace the Russians. One naval commander, Abdülkadir Pasha, had an innovative solution. When three slaves were taken off his ship, he declined cash compensation and instead received three convicted criminals. Their death sentences were commuted and they instead would row on his galley.³⁷

There were only so many convicts, of course, and not all slaveowners had the Sea Lords' political clout. Thus the release of other captives proceeded slowly, leading

³⁰ BOA-DVED 84/2 #59, #63; Ahmet Refik, *Istanbul Hayatı*, 148–9; Laugier, *Négociations*, II: 150–1, 154, 217.

³¹ Laugier, *Négociations*, II:150–1, 154, 217.

³² Olson, "Social Upheaval," 198.

³³ TNA-SP 97/31 (15 Feb. and 29 May 1740); BOA-İEHR 1830; BOA-DVE 7/8, 7/20; Laugier, *Négociations*, II:150–1, 154, 217.

³⁴ TNA-SP 91/24 (2 Aug. 1740), 97/31 (29 May 1740).

³⁵ AVPRI-KM 90/1/149 49v–r. For Cossacks' obligations, see Boeck, *Imperial Boundaries*, 230.

³⁶ BOA-CHR 322, 3076, 3082; BOA-DBŞMd 2430; BOA-DVED 84/2 #67, #85–93, #96–7; Laugier, *Négociations*, II:188–9.

³⁷ BOA-CBH 10310; BOA-CHR 3923.

to new diplomatic clashes. In March 1741 Rumyantsev, the ambassador, arrived in Istanbul, demanding the Porte recognize Empress Anna and set a firm timetable for the release of all Russian captives. A new Grand Vizier, Ahmed Pasha, reiterated the earlier liberation orders in April, but this did not satisfy Rumyantsev, who proposed a different agreement: the Porte would commit to return all Russian subjects in Istanbul and its surroundings within one year; in the hands of Muslims, Christians, and Jews in the Kuban, Crimea, Budjak, and Rumelia within 18 months; and in all other provinces within two years. In August 1741, the Ottoman ambassador to Russia, Mehmed Emnî, signed a preliminary agreement confirming very similar terms, but the Porte did not confirm it.³⁸

Fawkener believed that slavery was not the main concern for either side: the Russians cared most about the imperial title, and the Ottomans, about the destruction of Azov's fortifications. But "the Point of Slaves" was a useful Russian bargaining chip, "a spring which cannot be dried."³⁹ In early September, however, Rumyantsev's attitude changed when he learned war had broken out between Russia and Sweden (1741–43). Anxious to avoid a breakdown of relations with the Porte, he settled for a guarantee that captives would be returned with "as much speed as possible," in exchange for which prominent Bosnian officers, and then other captured Ottomans, would go free.⁴⁰ Between September 1741 and August 1747, reciprocal letters repeatedly confirmed this agreement (and Ottoman recognition of the Russian imperial title).⁴¹

Over the next five years at least 823 more freed slaves returned, and some were released as late as August 1759.⁴² This figure probably is not as large as it might have been; Fawkener feared that after the 1741 agreement, efforts to free captives would "in good measure wear out in negotiatio [*sic*], til it grows obsolete."⁴³ But those efforts did continue, even outside Istanbul. Sultan Mahmud I sent definitive release orders to the provinces in early September 1741, and the process began in earnest in 1742, with Ottoman commissioners sent out to various parts of the empire. The Russians paid particular attention to the Crimea, presenting lists of hundreds of captives they believed were held there.⁴⁴

However, as one well-documented case shows, it took more than sultanic orders for the Ottoman and Russian states to impose their will on slaveholders and provincial authorities.⁴⁵ In March 1742, the Porte wrote to the authorities of the Bursa area, responding to a report that six Russian slaves had been freed and temporarily housed in a monastery under the care of the Orthodox Metropolitan's local representative. There were also, the Porte had heard, two Cossacks, Vasil and Ivan, serving on the farm of a local official. They were to join the other six in the monastery.

³⁸ BOA-DVEd 84/2 #81; TNA-SP 97/31 (23 Mar. 1740, 8 May 1741, 15 Aug. 1741); Ahmed Câvid, *Müntehabât*, 261–3.

³⁹ TNA-SP 97/31 (5 July 1741).

⁴⁰ TNA-SP 97/31 (4 and 19 Sept. 1741).

⁴¹ BOA-DVEd 83/1 pp. 94–115; TNA-SP 97/31 (19 Sept. 1741); *PSZRI* #8435; Ahmed Câvid, *Müntehabât*, 268; Laugier, *Négociations*, II:218, 230, 233.

⁴² BOA-CHR 2892, 3837; BOA-DVEd 84/2 pp. 20–87; BOA-İEHR 1830.

⁴³ TNA-SP 97/31 (4 Sept. 1741).

⁴⁴ BOA-CHR 4379, 7802; BOA-DVE 13/88.

⁴⁵ BOA-CHR 2993.

Then, all eight captives were to be sent to Istanbul with trusted escorts, along with sealed papers listing their names and those of their owners. Three weeks, later, the judge of Bursa signed and sent these papers. The Porte correlated them with a note from the Russian mission, written in Russian and translated into Ottoman Turkish, certifying that the mission had received Vasil and Ivan. At this point the treasury was ordered to pay out 100 piasters for each of them, and a draft for the money was sent to their former owners in Bursa in mid-August 1742. A different file contains similar paperwork for one of the other captives.⁴⁶ This case illustrates that the Porte relied on Russian officials to find captives and to prevent fraud. Ottoman officials wrote comments about each case on the Russian receipts, appropriating them for the Porte's bureaucracy.

CAPTORS' RESISTANCE

These bureaucratic mechanisms were necessary because slaveowners often sought to avoid releasing their captives—hiding them, sending them away, deceiving the Porte, or allying with local authorities and foreign diplomats. Tracing these efforts offers a glimpse of the social and geographic dimensions of the release process, and the challenges the state faced. (Chapter 4 will consider owners' legal claims that their particular slaves were not entitled to release; these arose from similar motives but are important to discuss separately.)

"People finding themselves like to be dispossess of what they think a very just Acquisition, not quite to loose their Money," Fawkenor observed, were not inclined to cooperate.⁴⁷ Indeed, on one list of freed captives, an Ottoman scribe recorded the "original value" of each slave—probably meaning his own estimate of market value, or the former owners' reports of their captives' purchase prices. These ranged between 210 and 480 piasters, averaging around 300. Of twenty-six slaves listed, twenty-three were male; two belonged to Sea Lords, one to a ship's captain, another to a merchant from Izmir (perhaps also a shipowner), and one to a military officer.⁴⁸ Thus, these prices are probably most representative of young, able-bodied men such as galley rowers and captured soldiers. It seems slaveowners stood to lose two-thirds of the value of their slaves, on average, when they were seized by the state. Even the Porte, in official orders, noted that owners perceived a deficiency in the prices paid.⁴⁹

Some owners sold their captives—presumably for more than 100 piasters each—to others outside Istanbul, especially "the remote parts of Asia & Egypt, where they will never be heard of[.]"⁵⁰ The Porte also recognized that its ability to reach into the homes of wealthy slaveowners was even more limited in "the provincial countries."

⁴⁶ BOA-CHR 9122. See also BOA-CHR 3839; BOA-DVE 7/5. It does not seem Russians' liberation was recorded in local court records: İSAM-KS-Istanbul Bab, 2/172, 2/173.

⁴⁷ TNA-SP 97/31 (2 Aug. 1740).

⁴⁸ BOA-CHR 7813.

⁴⁹ BOA-DVEd 84/2 #63; Ahmet Refik, *Istanbul Hayatı*, 148.

⁵⁰ TNA-SP 97/31 (15 Feb. 1740).

The sale of unconverted Russians was banned—as sale had been previously banned for Iranians—and Mahmud ordered that records be kept of slaves sent away from the capital.⁵¹

Other captors hid their slaves. In one report, the Russians alleged that the deputy of the chief rabbi of Jerusalem was concealing a female captive, and that other Jews hid slaves in Muslim houses (perhaps hoping Ottoman officials would be less likely to invade Muslims' privacy). The captain of a galley, they claimed, falsely denied having nineteen Russians on his ship, and a man named Mandal Oğlu had chained his slave Vasil and was refusing to release him.⁵² Similarly, an Ottoman order from February 1744 condemned Christians and Jews in Istanbul who concealed such captives. This order, sent to the governor of Istanbul and the judges of Galata and Üsküdar, threatened to punish the heads of the Greek, Armenian, and Jewish communities if slaves were not returned.⁵³ Similar orders simultaneously went to Anatolia and the Ottoman Balkans.⁵⁴

This pointed to the Porte's challenge: even if local officials and notables—of whatever religion—did not themselves own slaves, they likely had close ties to those who did. It is likely that local elites collaborated to stymie central decrees, but this is difficult to prove because most of the available sources were produced by these elites (such as judges) for central consumption. Usually it is impossible to go beyond speculation, as in the case of a Russian officer, Andrei "Lavkeski," who was reported to be enslaved by a Tatar in the Danubian town of İsmail Geçidi in February 1744. Upon being ordered to investigate, the local judge, Seyyid Mehmed, declared that neither Andrei nor the Tatar were in his district.⁵⁵ Perhaps he determined this after an honest investigation. But perhaps Mehmed was bribed, or lazy, or lied to cover for a friend, business associate, or political ally, or had moral and religious objections to confiscating slaves from Muslim owners. The truth would have been almost as opaque to the Porte as it is to us, and thus illustrates at least the potential for deception.

To counter such alliances among its own elites and officials, the Porte relied partly on Russia. Beginning in 1744, and perhaps earlier, it was customary for Ottoman and Russian officials to travel together. The Russians explicitly described this as an effort to prevent Ottoman commissioners from engaging in impropriety.⁵⁶ One example of such impropriety occurred in June 1748, when twenty freed captives departed Istanbul, bound for Caffa by sea and thence overland to the border. According to a Russian complaint, however, after arriving in Caffa the local governor, judge, and janissary commander conspired with a resident of the city, Trabzonlu "Kandgaşoğlu" Hüseyin, to seize one slave on the pretense that he had escaped from Hüseyin's house. The prisoner was only released when the escorting Russian officer paid a 160-piaster ransom, which the Porte ordered Hüseyin to refund.⁵⁷ Even in Istanbul, Russian diplomats complained that the Ottoman commissioners

⁵¹ BOA-DVEd 84/2 #63; Ahmet Refik, *Istanbul Hayatı*, 148–9.

⁵² BOA-İEHR 1830.

⁵³ BOA-DVE 7/6.

⁵⁴ BOA-CHR 4056.

⁵⁵ BOA-CHR 7794.

⁵⁶ BOA-CHR 540, 7771; BOA-DVE 7/10; BOA-DVEd 84/2 #59, #104, #108, #125, #149, #158.

⁵⁷ BOA-DVEd 84/2 #174, #178–9.

sent to find slaves were, “due to their unchecked and unconcealed covetousness, taking money from slaveowners,” and sending the Porte “contrary reports with a hundred excuses.”⁵⁸ Force might supplement bribery: in June 1745, the Russians claimed that 250 captives, freed from Konya, had been taken from the Ottoman commissioner by their owners.⁵⁹

Ottoman–Russian cooperation went beyond monitoring disobedient officials. Throughout the 1740s, the Russian embassy repeatedly notified the Porte of unreleased slaves—often in remarkable detail, naming the slaves, their owners, and their villages or neighborhoods. The Russians relied not only on their own officials, but on a variety of informants. Some were escaped captives. For example, in 1744 the Porte noted that Christian and Jewish owners’ concealment of slaves was known because eighteen of the captives had escaped their houses. Other slaves were able to write letters to the embassy, requesting help or reporting others’ plight. On at least one occasion, the Russian envoys were informed of hidden galley slaves by Muslims serving on the same ship, either out of sympathy or in hope of a reward.⁶⁰

Within Istanbul, Russian dragomans simply recognized some slaves on the street. While the treaty, and the Porte’s own orders, allowed them to seek out and confiscate slaves, in practice the first permission was curtailed, and the second almost entirely disallowed, unless accompanied by an Ottoman official. This reflects a concern, shared by the Porte and owners, that went beyond the financial losses of releasing slaves. Protecting elite households and other spaces was also important. For example an Ottoman in Russian service was strangled in July 1740, on orders from the palace, “for going forcibly & without an Officer of the Justice aboard a Sayk [*şayka*, a type of ship] coming from the black Sea, aboard which there were Slaves, tho he had in his possession a Command from the Porte to take Slaves where he could find them.”⁶¹ Likewise, Russian diplomats were allowed to free slaves unilaterally only if on the road for other purposes, travelling to or from Russia.

EUROPEAN PROTÉGÉS

Some captors relied not on local elites to protect their ownership, but on foreign diplomats and merchants. A number of Ottomans, especially Christians and Jews, were the protégés of Capitulatory powers, who defended their right to own slaves. In such cases, officials of all states assumed there was *some* binding law, but none were quite sure what it was.

The Dutch Ambassador Cornelis Calkoen, for example, rather vaguely “cited the Authority of Grotius in support of the right of one protected by Him who was in possession of a Russian Slave.”⁶² (Perhaps Calkoen referred to Grotius’s view

⁵⁸ BOA-İEHR 1830.

⁵⁹ BOA-DVE 7/10. See also BOA-İEHR 1830.

⁶⁰ BOA-CHR 540; BOA-DVE 7/6, 7/8, 7/10; BOA-DVEd 84/2 #159; BOA-İEHR 1830.

⁶¹ TNA-SP 97/31 (2 Aug. 1740); see also BOA-DVEd 84/2 #59; for privacy, see Zilfi, *Women and Slavery*, 58; Erdem, *Slavery*, 18; Ayalon, “Urban Privacy.”

⁶² TNA-SP 97/31 (2 Aug. 1740).

that those captured in war were presumptively enslaved.) The Porte displayed a similar attitude, expecting that the issue of slaves in protégés' hands would somehow be dealt with between the Capitulatory and Russian states. In the meantime, it ordered the authorities in Ankara to return two freed people to a Dutch-protected merchant, and one to an English-protected merchant.⁶³ Likewise, the British envoy Fawkenner received orders from London to simply avoid anything "which is not strictly founded upon the Law of Nations, and agreeable to what may have been constantly practised in cases of the like nature."⁶⁴ This, of course, begged the question, since the treatises of the Law of Nations did not discuss the ransom-free release of Orthodox slaves belonging to Christians or Jews who lived in a Muslim-ruled empire but were protected by a Protestant king.

In the end, many protégés kept their slaves. When two women and one man escaped from one of Fawkenner's Greek dragomans, and took refuge with the Russians, he asked Veshnyakov to return them. They were, he argued, "certainly much better when they fall into such Hands than in their own Country." Veshnyakov agreed, and even punished the slaves when they were "surly & behaved ill" after their return to the dragoman's family. In another case, Fawkenner and Veshnyakov agreed that two Russian women held by the brother of a Jewish merchant under British protection would be required to stay four or five years, and then released. They apparently did not consult the women about this. Dutch protégés also seem to have kept their slaves, and Fawkenner claimed that "there had never been the least difficulty made [by the Russians] with any body who had any Relation to the French Nation."⁶⁵

Thus, for slaveholders, foreign protection was a more reliable shield against the Ottoman state than socioeconomic standing. European diplomats, for their part, apparently were willing to safeguard Ottoman slavery. Of course, in this era few in Britain, France, or the Netherlands objected to their own enslavement of Africans. Yet European views were inconsistent; the French ambassador took custody of some freed Russians, while Dutch merchants—perhaps with a financial incentive—helped ransom Austrian captives at Izmir.⁶⁶

Through these rules—the Law of Release—the Ottoman and Russian states freed many captives in the 1740s and 1750s. But these types of slaveowner resistance, along with legal arguments discussed in Chapter 4, limited their success. This was probably especially true for slaves held in households, who were less visible, and perhaps less valuable to the Russian state, than men (particularly soldiers) rowing on galleys. This resulted in a gendered dichotomy, in which women (and children) were probably less likely to be freed than men. Indeed, some Russians who sought to free their family members, like Ivan (whose liberation of his wife was mentioned in the opening of Chapter 1), still resorted to ransoms, even travelling to Istanbul to pay.⁶⁷

⁶³ BOA-DVEd 84/2 #117; TNA-SP 97/31 (1 and 3 June 1742).

⁶⁴ TNA-SP 97/31 (17 June 1740).

⁶⁵ TNA-SP 97/31 (2 Aug. 1740, 3 June 1742).

⁶⁶ Jahn, *Freilassungserklärungen*, 10, 78–81; Jahn, "Loskauf," 70.

⁶⁷ BOA-DVE 7/20.

RENEWING THE LAW OF RELEASE

The Russians used the same structural framework to push the release process both outward to the provinces, and inward to more Ottoman households, after the 1768 War. The provisions on captivity in the 1774 Treaty of Küçük Kaynarca, which ended this conflict, were based on a proposal from the former Russian ambassador to Istanbul, Alexei Obreskov (who had himself been imprisoned for several years after war broke out), during a 1772–73 peace conference at Bucharest. He drew up captivity terms that were based on the Treaty of Belgrade, but went beyond it in two specific ways, dealing with conversion and non-Russians (discussed in Chapter 4). The Ottomans accepted Obreskov's wording, with the addition of one provision emphasizing Russia's reciprocal responsibilities, as Article 25 of the treaty. Article 1 of the same treaty more vaguely required freeing captives on galleys or in prisons.⁶⁸

Implementing the Law of Release fell to the Russian chargé d'affaires in Istanbul, Colonel Christopher Peterson, who was dispatched from the Russian army on the Danube in mid-September 1774. For the most part he acted on the question of prisoners without supervision from either the army or Prince Nikolai Repnin, the Russian ambassador extraordinary, who arrived in Istanbul several months later and perfunctorily approved Peterson's efforts. Catherine the Great did the same.⁶⁹

Peterson pressed the Porte to publicize and ratify the treaty "in order to exchange the Prisoners and Slaves with greater facility."⁷⁰ Many of the Russian soldiers captured during the war were now held in Ottoman state custody in the Arsenal, as prisoners of war, for reasons we will discuss in Chapter 5. Within weeks of arriving, Peterson prepared a list of eighty-eight high-priority captives, and the Porte released those who were State Slaves. In January, Russian officers were transferred from the Seven Towers to houses in Pera, rented at Ottoman expense. But Peterson was content to leave most of the Russians in the Arsenal over the winter, receiving food and clothing from the Porte.⁷¹ By February, however, spotted fever had broken out in Istanbul, and perhaps for this reason, 513 Russians and several dozen Moldavians and Wallachians (probably forty) were released from the Arsenal on 18 March 1775.⁷² Only eighty-three Russians were released from the Sea Lords' galleys, which were less numerous than in the 1740s as the Ottoman fleet turned to sail-powered ships.⁷³

⁶⁸ For the treaty and its consequences for captivity, see, BOA-DVEd 83/1 p. 151; Ahmed Resmî Efendi, *Summary of Admonitions*, 241–4; Noradounghian, *Actes Internationaux*, 1897, I:331; PSZRI, #14164; Köse, *Küçük Kaynarca*, 83–4, 112; Druzhinina, *Kiuchuk-Kainardzhiiskii Mir*, 220, 340; Brown, "Serfdom's Demise." Osman Köse has also written about this release process, though some of his conclusions differ from mine: Köse, *Küçük Kaynarca*, 198–205.

⁶⁹ *SIRIO*, VI:308; Kessel'brenner, *Lashkarev*, 60. Peterson's reports to Rumyantsev are in AVPRI-KM 90/1/588, 90/1/616; RGVIA-RTV68 464/1/4; *SIRIO* VI:339, XV.

⁷⁰ TNA-SP 97/50 #20, #22; AVPRI-KM 90/1/588 23r–v.

⁷¹ AVPRI-KM 90/1/616 11r–v; BOA-CHR 4947, 5122; TNA-SP 97/50 #23.

⁷² AVPRI-KM 90/1/616 20r–21r; BOA-AESMSTIII 179/14104; BOA-DBŞM 41395; Göksu, *Ruzname*, 77.

⁷³ BOA-MADd 10394 p. 53.

After consulting the Russian embassy's archives (which the British had protected during the war), Peterson provided the freed captives with money, clothing, and shoes equivalent to what Rumyantsev had in the 1740s. To house them he had a building with a furnace constructed in the yard of the Russian mission in Pera, and he paid a physician, a pharmacist, two water carriers, and a doorkeeper to aid them.⁷⁴ Conditions were still difficult, and according to one account, many freed captives returned to slavery in Istanbul "that they might have bread to eat."⁷⁵

In early April, however, Peterson began sending captives to the Russian port of Taganrog by sea. Over 2,000 departed Istanbul in the spring of 1775, with hundreds or perhaps thousands more following.⁷⁶ It is unclear how many slaves were freed in total over the next few years, but two Ottoman register books show 1,189 in just the first few months of Peterson's mission, between 11 October 1774 and 25 February 1775.⁷⁷

The Russians may have prioritized finding military men, though they did not stop there. Russian soldiers and sailors, newly freed from the Arsenal, were prominent among the first returnees (493 in April). A few other combatants were held in private custody. Peterson specifically protested in September 1775 when he heard that a Russian officer was held on Rhodes, and over a year later he complained that "soldiers, cavalymen, and Cossacks" were detained in Kastamonu.⁷⁸

For both military men and civilians, release from slavery did not necessarily mean liberation. Even as they left their Ottoman owners, captives came into the hands of the Russian state. Peterson allowed a few (all non-Russians) to travel freely under his protection, but he sent many of them to Catherine's newly acquired territories in New Russia, north of the Black Sea. They were joined by Ottomans who had fought on Russia's side, and now sought protection from the Porte. For some, this may have been a welcome opportunity. But for others, who wished to return to their original homes, it may have felt more like continued servitude.⁷⁹

INSIDE HOUSEHOLDS

Even as Peterson sent away captives released from the Arsenal or from the Sea Lords' galleys, he sought out others. He made systematic efforts to reach inward, inside elite Istanbul households, and outward, toward Rumelia and Anatolia.⁸⁰

⁷⁴ AVPRI-KM 90/1/588 23r-v; AVPRI-SRT 89/8/778 223r-225v; *SIRIO*, XV:516.

⁷⁵ one account, *Ottoman Empire*, 405.

⁷⁶ This is based on a review of BOA-DVE 10/2; BOA-DVEd 84/2 and 85/3 (covering July 1774 through early 1780); as well as AVPRI-KM 90/1/616 20r-21v, 29v; RGVIA-RTV68 464/1/4 149r-v, 150r-v; TNA-SP 91/99 #79; TNA-SP 97/41 #4, #5, #6, #8; *SIRIO*, VI:349, XV:513.

⁷⁷ BOA-DBSM 4494; BOA-MADd 10394.

⁷⁸ BOA-DVEd 84/2 #806, #885.

⁷⁹ AVPRI-KM 90/1/616 20r-21v, 25v-26r, 58r-v; RGVIA-RTV68 464/1/4 149r-v; BOA-CHR 6351; BOA-DVEd 80/4 #30, #45, 84/2 #731; TNA-SP 97/51 #9. For Russian settlement and its unfree associations, see Montefiore, *Potemkin*, 285-6; Kardases, *Diaspora Merchants*, 124-39; Pappas, *Russian Military Service*, 78-82; Bartlett, *Human Capital*, 127-8.

⁸⁰ AVPRI-KM 90/1/588 23r-v; BOA-CHR 4094, 8060; BOA-DVE 9/37.

This brought to the fore female captives—far more likely to be held in households than on galleys. It also exposed the reach, and limitations, of the Ottoman state.

Owners' petitions for compensation illustrate how many women were freed in the 1770s, especially compared to the 1740s. At least seventy-five such petitions survive in the Ottoman archives, relating to 102 freed slaves—fifty-eight female and only forty-four male.⁸¹ These captives, particularly women, were mostly held in elite households. In finding them, Peterson was aided by a dragoman, Sergei Lazarevich Lashkarev, a Georgian who had been recruited into Russian service as a youth. Lashkarev, who spoke Turkish, Persian, Arabic, Tatar, Georgian, and Armenian, was first posted to Istanbul in the 1760s, before serving as second dragoman at the early peace negotiations.⁸²

Sultan Abdülhamid I and Grand Vizier İzzet Mehmed Pasha were not eager to cooperate with intensified efforts to free household slaves. However, the Ottomans had little bargaining power after the disastrous defeats of the past war. The Porte asked the British envoy, John Murray, to persuade the Russians "to use more Facility in their Business upon Trifles," though the mere fact they made this request suggests officials did not see it as entirely trifling. Russian diplomats similarly complained of Ottoman conduct.⁸³

The Porte gave way, granting Lashkarev the aid of an Ottoman commission headed by a senior official, the *Tevkîl/Nişancı* Abdullah Efendi. He supervised eight subordinates, representing different aspects of Ottoman administration: scribes, imperial messengers, guards, representatives of the Mahzar Ağa (the captain of the grand vizier's guard, who helped police Istanbul), and a delegate appointed by the Military Judge of Rumeli—the second-highest jurist in the empire. This commission, which remained active through May 1776, was to find captives, free those who were eligible, and compensate the owners with 100 piasters per slave.⁸⁴

The compensation petitions show that most owners of the captives the commission freed were Muslim men of at least moderate socioeconomic status. Some had very direct ties to the military, such as Hüseyin, the representative of the judge of the camp; Ahmed, a leader and trustee of the 91st janissary regiment; and Mustafa Efendi, a scribe attached to the Arsenal.⁸⁵ Others had significant positions in the Ottoman religious or bureaucratic service, including the preacher of the mosque at Rumeli Kavağı (a fortress at the entrance to the Black Sea); the chief judge of Galata; and an imperial messenger.⁸⁶ Though none of these petitioners was in the innermost circle of the Ottoman court, some had ties to it—for example, the Kapudan Pasha's steward, and the Reis Efendi's seal-bearer.⁸⁷ Many claimed the title *el-Hac* (having made the pilgrimage to Mecca).

⁸¹ BOA-CAS 53283; BOA-CDH 834, 3905, 3973, 5857, 5962, 6150, 6340, 6533, 8923, 9223, 12175, 16483; BOA-DVE 8/14, 8/47.

⁸² BOA-CHR 8929; Kessel'brenner, *Lashkarev*, 59–60; Morkva, "Policy of Rapprochement," 67 n. 105.

⁸³ TNA-SP 97/50 #23, 97/51 #2.

⁸⁴ BOA-CHR 6200, 6337, 6385, 7003; BOA-CML 30117; BOA-MADd 10394 p. 10; Mehmed Süreyyâ, *Sicill*, III:442, IV/2:387; Başaran, *Social Control*, 45.

⁸⁵ BOA-CHR 5857.

⁸⁶ BOA-CHR 834 6533.

⁸⁷ BOA-DBŞMd 4494 p. 4; BOA-CHR 834; BOA-MADd 10394 p. 48.

The owners represented a broader cross-section of Ottoman elite society, however, beyond male Muslims. Some were high-status women; one was the mother of a former military judge.⁸⁸ The sister of the late Grand Vizier Hekimoğlu Ali Pasha, out of respect for his memory, was allowed additional compensation.⁸⁹ Other owners were Christians or Jews, many of them merchants—for example, a rice dealer from Arnavutköy on the Bosphorus, and a trader in Moldavian timber who owned a woman and her daughter from that principality.⁹⁰ Others were Phanariot Greeks, including one physician.⁹¹ The chief rabbi of Istanbul community reported six Christian women had been freed from Jewish households.⁹²

Captors' positions and connections, however, did not help them keep their captives when Lashkarev and Abdullah came knocking—and with the exception of Hekimoğlu Ali's sister, all they received in return was 100 piasters per captive. This was undoubtedly set based on the precedent of the 1740s, disregarding inflation. The Ottoman state had debased the currency since then; the piaster's silver content had fallen by about one-third, and its value had declined accordingly.⁹³ Almost every freed captive would have sold for more than 100 piasters, as a few examples illustrate. On one end was a Muslim boy, who was illegally sold in 1772 for 95 piasters—presumably prices were lower in wartime, and if the buyer suspected that the boy was enslaved unlawfully he would surely have demanded a further discount.⁹⁴ On the high end of the market, the palace bought six girls or women in June 1774 for an average of 1,158 piasters each.⁹⁵ In 1769, during the war, typical prices for female slaves in Istanbul had been about 250 piasters, and for males, 200.⁹⁶

Thus the potential for financially motivated resistance from slaveowners was even greater than in the 1740s. It is not surprising that they viewed the process as a threat; one anonymous diarist recorded in November 1774 that slaves were being “taken compulsorily and by force.”⁹⁷ We will see in Chapter 4 that this was more than a financial concern, however; liberation threatened elites' conceptions of legality, morality, and society.

OUTSIDE ISTANBUL

After the Treaty of Küçük Kaynarca, the Russians also renewed Rumayntsev's earlier demand that captives be systematically freed throughout the Ottoman Empire, well beyond Istanbul. Following orders that Peterson virtually dictated, more Ottoman envoys, accompanied by Russian agents, were dispatched along the military routes of Anatolia and Rumelia in early November 1774.⁹⁸ Judges in each

⁸⁸ BOA-MADd 10394 p. 48.

⁸⁹ BOA-CML 7386.

⁹⁰ BOA-CAS 53283; BOA-CHR 5962.

⁹¹ BOA-CHR 834, 5857, 8923.

⁹² BOA-CDH 16234; BOA-CHR 79.

⁹³ See Bölükbaşı, *Darbhâne*, 132; Pamuk, *Fiyatlar*, 192–7; Pamuk, *Monetary History*, 163; Erdem, *Slavery*, 32; Tabakoğlu, *Osmanlı Maliyesi*, 140–1.

⁹⁴ BOA-CZB 239.

⁹⁵ BOA-CSM 8884.

⁹⁶ Zarinebaf, *Crime and Punishment*, 95.

⁹⁷ Göksu, *Ruzname*, 74.

⁹⁸ BOA-DVE 10/4, 11/48, 11/49, 11/50, 11/51, 11/52; BOA-CHR 4947.

district gave the envoys statements confirming they had received and publicly read the Porte's orders. They either enumerated the slaves they had freed, or certified that they had found none. The envoys, returning to Istanbul, submitted these reports to the main liberation commission. Hundreds of such reports survive in the Ottoman archives.⁹⁹

However, as in the 1740s, Russian agents attached to the envoys' retinues reported a myriad of obstructions and abuses. Peterson claimed, for example, that the envoy sent to Ankara had collaborated with slaveowners to demand compensation from the Russian representative, to attack him, and to re-enslave freed captives.¹⁰⁰ Similar problems occurred in Bursa, and in Edirne, where the Russians reported there were more than 500 slaves, including in the households of powerful officials.¹⁰¹ Specific reiterated orders, usually in response to Russian complaints, were sent to several other places.¹⁰²

The most protracted disputes occurred in Izmir and Thessaloniki. In these diverse port cities, elite Muslim, Jewish, and Christian slaveowners allied across religious lines, the Russians claimed, to conceal their slaves, to attack the Russian consul, to pretend their captives had already been freed, to challenge the validity of the envoys' orders, and to attempt bribery.¹⁰³ One Jewish Salonican, named David, was imprisoned in early 1775 at the Russians' behest for inciting owners not to release their slaves—only to be released a year later when Peterson claimed he had reformed (or perhaps become more cooperative).¹⁰⁴ Even the Porte's own envoys were subject to discipline at Peterson's request; one was sacked, while another was ordered to return to Edirne when he had allegedly left unfreed slaves there.

The Porte, caught between Russian pressure and its own administrative limitations, sent three waves of envoys and orders down the military routes. After the initial round in October 1774, another set followed in July 1775, and then a third, expressing open frustration with local authorities' noncompliance, in early March 1776.¹⁰⁵ As time went on, the Porte modified its rules to increase financial efficiency in this increasingly expensive process. Funding compensation became quite expensive, and in May 1775 compensation was limited to fifty piasters for children (though it is unclear if this was ever implemented). Compensating non-Muslim slaveowners was entirely forbidden.¹⁰⁶

The logistics of payment also challenged the Ottoman state. At first, money was sent from Istanbul, after captives had arrived there, as in the 1740s.¹⁰⁷ Later, to

⁹⁹ See, e.g., BOA-CAS 49890; BOA-CDH 429, 13797; BOA-CHR 186, 763, 8472, 8549, 8638, 8900, 8921, 8930; BOA-DVE 7/42, 9/43, 9/50, 13/5, 13/10, 13/11, 13/12, 13/18; and nearly every file in *dosyas* 10, 11, and 12. There are many more.

¹⁰⁰ AVPRI-KM 90/1/616 50r–51r; BOA-CHR 7035.

¹⁰¹ AVPRI-KM 90/1/616 51r; BOA-DVE 10/13, 10/19; BOA-DVEd 84/2 #718, #722, #730, #745.

¹⁰² BOA-CHR 7129; BOA-DVEd 84/2 #734, #785; #796, #798; #803; #814, #815, #885.

¹⁰³ AVPRI-KM 90/1/588 23v–24r; BOA-CHR 941, 3746, 4947, 7036, 8120; BOA-DVEd 84/2 #722, #728, #735, #751, #752, #793; BOA-MADd 10394 pp. 60, 62, 64; Mazower, *Salonica*, 104.

¹⁰⁴ BOA-CHR 3746; BOA-İEHR 1855; *SIRIO*, V: 217–18.

¹⁰⁵ AVPRI-KM 90/1/588 34r–37r; BOA-CHR 8060; Ahmet Refik, *Istanbul Hayatı*, 222–3.

¹⁰⁶ BOA-CHR 9240; BOA-MADd 10394 p. 61, 64. BOA-CHR 6340 also shows an elderly woman freed for fifty piasters. See also Erdem, *Slavery*, 32.

¹⁰⁷ BOA-CHR 8060.

speed the process, envoys were authorized to call upon local tax farmers to fund compensation payments. This created its own problems, as tax farmers and commissioners often did not trust each other, and refused to cooperate.¹⁰⁸ The Porte then turned to advancing commissioners funds before they left Istanbul.¹⁰⁹ Those whose expenses exceeded these amounts could apply for reimbursement upon their return, provided they presented matching judges' statements about the number of slaves released.¹¹⁰ To further prevent fraud, owners signed receipts of their own.¹¹¹

This process was far from uniform throughout the empire; the envoys traveled down the three military routes of Rumelia and the three of Anatolia. Beyond those corridors of imperial authority, captives' release depended on targeted orders, usually issued in response to specific reports. An ad hoc collection of agents, like the Venetian consul on Rhodes, took charge of release.¹¹²

However, captives far from the main routes could still win release, especially if they were valuable to Russia—for example, as soldiers. In the summer of 1775, Peterson complained to the Porte that two soldiers and five Cossacks had been captured on the Danube the previous year. The Kapudan Pasha, Gazi Hasan, had taken them to Istanbul, to Çeşme, and then to Egypt. The captives, however, wrote a letter to Alexei Orlov, commander of the Russian Mediterranean fleet, then at Livorno in Italy. He in turn wrote to Peterson, who requested their release. The Porte agreed, commanding Hasan and the local judge that if these men were indeed imprisoned, they should be released immediately.¹¹³ In 1740, Fawkenner had spoken of "the remote parts or Asia & Egypt" as places where owners could hide slaves from the state, but that was no longer true—at least, not for Russian military men.¹¹⁴

The 1768 War had overstretched the Ottoman state's ability to supply manpower, taxes, and provisions. In the war's aftermath, too, that state was called upon to take on a new task it was not designed for—freeing captives. As the extension of the Law of Release proves, the Porte successfully took the initiative to find captives, coerce and compensate slaveowners, and prevent fraud, with some success. Paradoxically, the Porte needed Russian help to do this, by surveilling and controlling its officials. Likewise, while the war with Russia had nearly collapsed the Ottoman state, the Russians now needed that state to help recover their captives.

THE RULES' PERSISTENCE

The Law of Release took shape after the 1735 and 1768 Wars, but it persisted through every Russo–Ottoman war, and peace treaty, for a century. Indeed, the official Russian version of the 1792 Treaty of Jassy echoed precisely the same captivity

¹⁰⁸ BOA-CHR 1345, 3345; BOA-MADd 10394 pp. 64, 65.

¹⁰⁹ BOA-CAS 45576; BOA-CHR 5123; BOA-DBŞMd 4494 pp. 4–5; BOA-MADd 10394 pp. 62–6.

¹¹⁰ BOA-CHR 8900.

¹¹¹ BOA-CAS 51434.

¹¹² BOA-DVEd 84/2 #815.

¹¹³ BOA-CHR 548, 7119; BOA-DVEd 84/2 #781.

¹¹⁴ TNA-SP 97/31 (15 Feb. 1740).

terms as the Treaty of Küçük Kaynarca had almost twenty years before.¹¹⁵ There seems to have been little discussion of the prisoner articles, and Lashkarev—who was one of the principal negotiators—may have simply copied the earlier treaty's wording.¹¹⁶

The release process also followed the same pattern. As peace talks began with Russia in October 1791, Grand Vizier Koca Yusuf Pasha sent some of the Russian captives held in the army camp to the Russians, who reciprocated by handing over 100 captured Ottomans. In Istanbul, as a sign of goodwill, several officers and their servants were moved from the Arsenal to the Seven Towers. All Russians in the Arsenal were freed when the war ended.¹¹⁷

Outside the Arsenal, some of those enslaved by private owners began fleeing to the Russian mission almost as soon as the chargé d'affaires, Aleksandr Khvostov, arrived. As in the 1770s, an Ottoman liberation commission went to work in Istanbul, while Sultan Selim III sent both general and specific orders to the provinces for captives' release. Compensation was again set at 100 piasters. As before, local judges sent responses; some reported finding slaves; others did not.¹¹⁸

There were far fewer disputes about Russian slaves than before, though we will discuss two prominent exceptions in Chapter 4.¹¹⁹ Partly this was because both states sought to avoid conflict at a delicate geopolitical moment.¹²⁰ But more importantly, as we will see, the basic outlines of the Law of Release were now well understood, and it applied to fewer captives because of limitations worked out in the 1770s (see Chapter 4). There were probably fewer Russians in private hands because of defeats and the prisoner-of-war system (to be discussed in Chapter 5).

The story was much the same after the 1806 War. During an 1807–08 truce, and even after fighting resumed, the two sides exchanged prisoners held in state hands.¹²¹ The 1812 Treaty of Bucharest renewed the Law of Release, though in slightly different terms than before. It omitted non-Russians (discussed in Chapter 4), it provided for the logistics and financing of exchange, and it referred to “prisoners of war.” Neither side defined this term precisely, but it seems to have meant those taken during wartime, especially but not only combatants.¹²² A Russian envoy visited Istanbul in the summer of 1812, taking a few prisoners with him when he left. The remaining 413 in state hands were dispatched after the Russian Ambassador Andrei Italinskii arrived in Istanbul.¹²³

¹¹⁵ The Ottoman version had minor differences. BOA-DVEd 83/1; Noradounghian, *Actes Internationaux*, 1900, II:20; Mahmud Mesud, *Muahedat*, IV:11; PSZRI #17008.

¹¹⁶ Kessel'brenner, *Lashkarev*, 133–46; Bayram, “Enveri Tarihî,” 665.

¹¹⁷ BOA-CHR 1459, 8879; BOA-HAT 197/9834, 200/10254; TNA-FO 78/12A #25; Ahmed Cavid, *Müntehabât*, 700.

¹¹⁸ AVPRI-KM 90/1/1044 11r and following; BOA-CADL 691, 692; BOA-CHR 1133, 1604, 2871, 5629, 7847; BOA-CIKTS 246; BOA-DVEd 86/4 #405, #423, #456, #507, #581, #681; BOA-MADd 3480 p. 346.

¹¹⁹ See also BOA-CHR 7371; BOA-DVEd 86/4 #519.

¹²⁰ İnalçık, “Osmanlı-Rus Münasebetleri”; Morkva, “Policy of Rapprochement”; Erdem, *Slavery*, 32.

¹²¹ BOA-DVE 254/76, 254/86; BOA-HAT 999/41964; 1355/52977.

¹²² Noradounghian, *Actes Internationaux*, 1900, II:90.

¹²³ BOA-HAT 963, 41253, 978/41543B, 986/41776, 988/41818C, 989/41827C, 1001/42020, 1001/42027, 1001/42027A, 1005/42128, 1093/44359, 1096/44408A; Ismail, “Treaty of Bucharest,” 184.

Sultan Mahmud II, however, was concerned about the release of tens of thousands of Ottoman captives and a whole army encircled on the Danube, and he had the captives temporarily detained in the Balkans until he was sure the Russians would reciprocate. The Porte was careful to document the few prisoners who died of natural causes or fled (probably to avoid military service) en route, “in case any type of expression or claim arises from the Russian ambassador.”¹²⁴ As after the 1787 War, there were few disputes over private captivity—even though the state now ceased paying compensation.¹²⁵

The 1829 Treaty of Adrianople (ending the 1828 War) again echoed the Treaty of Bucharest on captivity, and we will see that even the 1856 Treaty of Paris, while its text was different, was implemented according to the Law of Release. These rules, emerging from Ottoman relations with their Iranian and Russian rivals, had become a sort of customary law, paralleling the *jus post bellum* (governing states’ conduct after wars ended) that emerged in Europe.¹²⁶ These treaty terms were expected, and taken for granted. Moreover, other rules were repeatedly renewed despite being unwritten (the rate of compensation, the dispatch of orders along the military routes, or the definitions of conversion and subjecthood, which we will discuss in Chapter 4). Some of these were policies set solely by the Porte, but others were jointly negotiated, and the Russians came to rely on all of them. This will become clearer in Chapter 4 as we examine the limits of the law, its evolution, and questions about whom it protected.

¹²⁴ BOA-AMD 59/32; BOA-CHR 3188, 3189; BOA-HAT 970/41375, 971/41388, 973/41423, 985/41724, 998/41817A, 998/41900, 1007/42261, 1008/42380, 1169/46254, 1169/46254A; Smiley, “People of Islam,” 247–8.

¹²⁵ This is based on BOA-DVEd 89/7 pp. 10–67; BOA-DVE 34, 254, 255, 256. In two later incidents, the Russians did request the release of prisoners held in the Caucasus: BOA-HAT 754/35573, 1165/46092Ç.

¹²⁶ Lesaffer, “Peace Treaties”; Erdem, *Slavery*, 33, notes “custom” more generally.

The Boundaries of the Law of Release

When the Russian Ambassador Rumyantsev took custody of Vasil, the Cossack who had been enslaved by Rabia and her son Ahmed, he confirmed this with an official note. However, the note did not just name Vasil. It also identified him as a Cossack, and as a Christian (“found not in the Mohammedan rite”). This attention to origins and religion hints that, from the moment the Law of Release began taking shape through negotiations with Iran, and continuing after Russo–Ottoman wars, state officials had more to worry about than treaties, orders, commissioners, financing, corruption, and slaveowner resistance. They also faced crucial questions about the boundaries of the Law of Release: who was to go free? Would that include converts to Islam? How would conversion be defined? How would it be proven? Were non-Russians included? If so, which non-Russians? What did it mean to be “Russian”? And what about those enslaved before wars began? Or those trafficked into the empire, rather than captured?

As Ottoman and Russian officials debated these questions between the 1740s and 1790s, they extended the Law of Release through an array of written and unwritten legal rules. These emerged from a dialectical process of Ottoman responses to Russian demands, and sometimes had surprising results—for example, effectively legalizing apostasy from Islam, or potentially freeing nearly all Ottoman slaves. But captives presented their own claims to gain liberation—or, sometimes, to avoid release and return to Russia. Ultimately the Law of Release defined who “belonged” to each empire. In one case after another, the imperial rivals severed the connections enslavement had created, assigning individuals to one state or the other.

IRANIAN AND RUSSIAN SUBJECTS

The end of ransom helped produce these questions. Ransomers themselves could determine whom they would ransom, but when the Ottoman state became responsible for liberation, it had to set priorities. For which captives would the state commit its coercive resources against recalcitrant slaveowners? Which captives had sufficient ties to the Iranian or Russian states to benefit from treaties with those states? Were any such ties necessary? These questions were more urgent, and more difficult to answer, than when dealing with Capitulatory powers: captivity had brought far more Iranians and Russians to the Ottoman Empire, and now the Law of Release forced the Porte to make momentous decisions about their fate.¹

¹ For identifying Capitulatory subjects, see van den Boogert, “*Homo Ottomanicus*”; for other precedents see White, *Piracy*; Greene, *Pirates*.

The case of Hatem, the woman noted in Chapter 3 who in 1737 sought release under the Ottoman–Iranian agreement, illustrates this. When her Islamic legal claim of freedom based on marriage failed, she argued that as an Iranian from Tabriz, she should be set free. However, she could produce no evidence to support her claim, while two male witnesses testified that she was in fact Georgian. They even produced a slave-tax receipt identifying her as such. She remained enslaved.² By contrast, another captive’s owner passed her off as Georgian in a failed attempt to keep her, when she was really Iranian.³ The Porte issued orders early in the process to prevent Georgians, Circassians, and others from wrongly gaining freedom this way. A commissioner, Abu Bekir Ağa, was to cooperate with judges, while “a person who is an expert in Farsi and Georgian” would interrogate and examine the “language and characteristics” of those who requested liberation. Only those whose Iranian-ness was “truly” “apparent” would be freed.⁴

When captives did not have slave-tax receipts, it seems, Ottoman officials believed that they could be classified by the languages they spoke (or, perhaps, did not respond to). Those who spoke Farsi were implicitly seen as sufficiently affiliated with the Iranian state, and would be released. Not so for those who spoke Georgian, however, even though many Georgian-speakers hailed from K’art’li and Kakhet’i, which had been Safavid vassals.

Such issues became far more prominent in Russo–Ottoman relations.⁵ The Treaty of Belgrade vaguely required the release of “the captives taken by the two states, whether in this war or before.” The Porte interpreted this, in its orders to local authorities, to mean that only “true” or “original” (*asl*) Russians were to be freed.⁶ Judges and commissioners used the same terms, which are repeated over and over again in documents from the 1740s, for example in a reference to “four Muscovite slaves who, uncircumcised, persist in their Christianity, not having been circumcised, from among the truly Muscovite slaves who are originally Russian.” (We will discuss circumcision below.)⁷ In other eighteenth-century contexts, the Porte used the word *asl* to denote a person’s place of birth, implying that this was a critical factor in determining who was “truly” Russian and thus entitled to release.⁸

It seems that relatively few Russian captives had slave-tax receipts that would identify their origins, and it is also unclear if Russian diplomats would have accepted those as proof. Language served to identify slaves’ origins, as it had for Iranians. For example, when a female Russian captive owned by a British protégé “happen[ed] to be one day in the Street . . . a Russ Interpreter pass’d by, & suspecting from the Woman’s Appearance what she might be, spoke to her, the Woman told him what she was.” The dragoman followed her home and attempted to free her.⁹ Other dragomans in Russian service accompanied the Ottoman commissioners

² Sak and Solak, *Konya* 53, 571–2.

³ Zilfi, *Women and Slavery*, 207–8.

⁴ İSAM-KS-Istanbul-Bab 2/173 p. 97.

⁵ The discussion of captives’ subjecthood in this and the next few sections draws on the more detailed account in Smiley, “Let *Whose* People Go.”

⁶ See, e.g., BOA-CHR 2993, 7794, 8013; BOA-DVED 84/2 #118, #133, #159.

⁷ BOA-DVED 84/2 #189.

⁸ Van den Boogert, “*Homo Ottomanicus*,” 15–16; see also Sobers-Khan, *Slaves without Shackles*, 90.

⁹ TNA-SP 97/31 (2 Aug. 1740).

who freed captives, probably to identify captives by speaking to them.¹⁰ In this context, as in others, dragomans did more than facilitate diplomacy; they literally created the boundary between Ottomans and others.¹¹

Being a native speaker of Russian (or other eastern Slavic languages) may have been a sufficient condition for release, but it was not necessary. In the spring of 1743, about forty-nine Kalmyks were freed from the galleys, and departed Istanbul under the custody of Russian officials.¹² Kalmyks were Turkic-speaking, mostly Buddhist, but partly Christian, nomads from north of the Caucasus. As the Russian Empire extended its sovereignty over the Kalmyks and other non-Russian groups, it attempted to impose upon them the status of “subjects”—owing obedience to the empress. The status of subjecthood could be confirmed by oath, or by annexation. Not all groups understood their allegiance this way, and well into the eighteenth century, that included many Kalmyks.¹³ But in this case, either the enslaved Kalmyks themselves, or Russian diplomats, had apparently asserted their connection to the Russian state to gain release. Indeed, Ottoman officials described both the Kalmyks and twenty-three Russian-speaking captives who accompanied them simply as “Muscovites,” implying the term could indicate political ties to Russia.

The Treaty of Belgrade, therefore, applied to Russian subjects, even if they were not ethnic Russians. It seems the Ottomans imported the Russian category of subjecthood to determine whose connections were close enough.

EXTENSION TO NON-RUSSIAN SUBJECTS

A tension remained in the Russian state’s priorities, however, between religious and political affiliations. When they paid ransoms, tsarist authorities sought to aid Christians, even if they were *not* Russian subjects. In 1762, for example, the governor-general of Astrakhan was reprimanded because he had used scarce ransom funds to “set free a pagan Kalmyk woman, while thoroughly Christian Georgians were left in the hands of Muslims”—even though the Kalmyk may have been a Russian subject.¹⁴ The Law of Release, however, reversed the options available to Russian diplomats in the Ottoman Empire. As the release of Kalmyks from the galleys proved, they could free large numbers of Russian subjects, even if they were not Christian, without spending a single piaster. Freeing non-Russian Christians, though, would still require paying ransoms.

Alexei Obreskov, the former ambassador to Istanbul, set out to change this when he drafted the captivity provisions of the 1774 Treaty of Küçük Kaynarca. His

¹⁰ BOA-DVE 7/10; BOA-DVEd 84/2 #149, #158.

¹¹ See Rothman, “Interpreting Dragomans”; Castiglione, “‘Levantine’ Dragomans”; van den Boogert, “European Privateering.”

¹² AVPRI-KM 90/1/149 49r–50v; BOA-DVEd 84/2 #132. The two documents give slightly different numbers.

¹³ Lohr, *Russian Citizenship*, 29; Khodarkovsky, “Frontier to Empire,” 118–21; see also Khodarkovsky, *Kalmyk Nomads*.

¹⁴ Kurtynova-D’Herlugnan, *Tsar’s Abolitionists*, 69.

proposal, and the final treaty, required the release of “all war captives and slaves” as well as “all the Christians who have been enslaved, meaning Poles and Moldavians and Wallachians and Moreans and Aegean Islanders and Georgians and others.”¹⁵ Obreskov’s superior, Count Nikita Panin, had suggested including an amnesty for anyone who fought on the Russian side, but Obreskov went much further. The captives he aimed to help, he explained, were Orthodox coreligionists and allies of Russia. Obreskov admitted that Panin might find the inclusion of Poles surprising, as they were Catholic rather than Orthodox, and many were not Catherine’s subjects. But he argued that *these* Poles deserved Russian aid because they had been captured by Ottoman forces cooperating with the anti-Russian Confederation of the Bar (the treaty itself contained no such limitation on which Poles would be released).¹⁶

Obreskov had lived in Istanbul for seventeen years before the war, and his wife was English, so he had close ties to the city’s diplomatic community. He may have felt that this right of liberation would increase Russian prestige there.¹⁷ But these treaty provisions also advanced Catherine’s own self-presentation. She boasted, in a postwar proclamation, that “the multitude of Christians in captivity and slavery and suffering imprisonment [are] already freed of their bonds” and returning home.¹⁸

It is unlikely that Obreskov expected these terms to be taken entirely literally, especially with regard to Christians taken before the war, from regions not named. If they were, they would have severely curbed slavery in the Ottoman Empire—perhaps leaving only those Circassians and Africans who were not Christian, Jewish, or Muslim when enslaved. The release of Georgians, we will see in a moment, would have been particularly significant. However, the treaty did not ban the future trade in slaves, as long as they were not taken from Russian territory.

The Ottoman negotiators, Nişancı Ahmed Resmi Efendi and Reis Efendi İbrahim Münib, do not seem to have resisted Obreskov’s captivity proposals. They had little bargaining power in the wake of defeat; the entire treaty was a disastrous setback, and these captivity provisions were the least of the Porte’s troubles. Moreover, Obreskov presented his demands as the price for the release of “several viziers, pashas, many officers, and several thousand [Ottoman] commoners.”¹⁹ The Ottoman-Greek writer Elias Habesci claimed that while Ottoman officials were “embarrassed” by the prisoner article, they assumed the Russians would find it impossible to implement, as captives were dispersed far and wide.²⁰ To a certain extent, they were right. After initial and surprising Russian successes, the structures of the Law of Release found their limits in the face of active and passive resistance from Ottoman officials and elites, and Russian indifference.

At first, however, the Russian diplomats charged with the release process—Peterson and Lashkarev—followed Obreskov’s lead in requesting all types of

¹⁵ BOA-DVEd 83/1 pp. 142–52; PSZRI #14164; Noradounghian, *Actes Internationaux*, 1897, I:319–34.

¹⁶ Druzhinina, *Kiuchuk-Kainardzhiiskii Mir*, 121, 221–2.

¹⁷ AVPRI-SRT 89/8/778 223r–225v; TNA-SP 97/44 #18.

¹⁸ PSZRI #14274; Druzhinina, *Kiuchuk-Kainardzhiiskii Mir*, 316; Brown, “Serfdom’s Demise,” 357–9; Davison, “Skill and Imbecility,” 37.

¹⁹ Druzhinina, *Kiuchuk-Kainardzhiiskii Mir*, 220.

²⁰ Habesci, *Ottoman Empire*, 399.

Christian slaves. The Porte released those in the Arsenal. This included not only Russians, but also at least a few Poles, Austrians, and Mediterranean Catholics—and, according to Habesci, a Spanish “grandee” who had been captured by North African corsairs and sent as a gift to the sultan. (It appears the Neapolitan envoy had previously failed to arrange a ransom for him and other Spanish captives.)²¹ By April 1775, only 116 State Slaves remained. These may have been captured as corsairs, whom treaties generally did not help.²²

Ottoman orders, sent to authorities in Istanbul and beyond, also directed that non-Russian subjects be freed.²³ The compensation petitions noted in Chapter 3, while not a systematic sample, show far more non-Russian freed slaves (eighty-three) than Russians (nineteen).²⁴ Many of these were Moldavians, Wallachians, or Greeks enslaved by Ottoman troops in suppressing revolts that accompanied the 1768 War. Some Ottomans referred to such slaves as “Muscovites,” implying that the term might refer to anyone with ties to Russia, not necessarily ethnic Russians or even Russian subjects. Ottoman scribes, however, were more attuned to legal categories; in a few petitions they crossed out an owner’s description of a freed captive, replacing it with another.²⁵

OTTOMAN CHRISTIANS

Other Ottoman Christians obtained freedom even though their captivity apparently had nothing to do with the war. One was Hristodolaki, a seventeen-year-old Christian from a village along the Bosphorus who was enslaved “by some means” and forced to work on a Muslim’s farm near Razgrad, in modern-day Bulgaria. His father notified Russian officials, who demanded that an Ottoman commissioner be sent to free Hristodolaki. In December 1774, İzzet Mehmed complied. At the same time, he issued repeated instructions for the release, again following a Russian request, of a native of the Aegean islands who was being held by a Muslim from Lemnos, living in the fortresses on the Bosphorus.²⁶

In neither case is there any indication that the captives in question were involved with the Russian military, or with rebellions. They appear to have been simply Ottoman *zimmîs*, enslaved illegally. Freeing such victims had always been a matter of domestic law, between the Porte, the *zimmî*, and his or her captor. But now, enslaved *zimmîs* appealed first to the Russians, not to Sultan Abdülhamid. This may have concerned the Porte, coming in the wake of wartime revolts and just as the Russian government encouraged Greek Ottomans to become Russian protégés under the Treaty of Küçük Kaynarca. Many Greeks enlisted in Russian service, and

²¹ BOA-DVEd 84/2 #731; TNA-SP 97/51 (4 Dec. 1775); Habesci, 397–8; Marmara, *Zindan*, 50.

²² BOA-DBŞMd 41395, 41402.

²³ BOA-DVE 9/37; BOA-CHR 4947, 8060; Göksu, *Ruzname*, 74.

²⁴ BOA-CAS 53283; BOA-CDH 12175, 16483; BOA-CHR 834, 3905, 3973, 5857, 5962, 6150, 6340, 6533, 8923, 9223; BOA-DVE 8/14, 8/47.

²⁵ BOA-CHR 5962; Habesci, *Ottoman Empire*, 399.

²⁶ BOA-DVE 9/53; BOA-DVEd 84/2 #716, #717, #720.

Russian connections with Ottoman Christians would become a source of anxiety to the Porte over the following century.²⁷

Even for those *zimmîs* who had been legally enslaved as a result of rebellions, the Porte faced a problem. In freeing them, it inadvertently encouraged unscrupulous Ottomans to *illegally* enslave others. This became clear in the spring of 1775, when the Porte received reports—perhaps from the Russians—that “some people” were illegally enslaving Christians living around the Ottoman fortresses on the right bank of the Danube, an area which had not been declared to be in revolt. The malefactors, who were probably irregular soldiers left unemployed upon peace, then turned over their illegal captives to the state. They demanded the requisite 100 piasters compensation for each slave.²⁸ Other captors, before releasing *legally* enslaved Moldavians and Wallachians, forced them to sign contracts promising payment. When the freed slaves returned to their homes, the owners would then attempt to collect on these debts, turning to Ottoman courts to enforce the contract if necessary.²⁹

The Porte, in other words, inadvertently found itself either facilitating, or directly paying, ransoms, thus creating an incentive for illegal enslavement. İzzet Mehmed responded to the first situation by declaring that while the state was not required to pay anything to free those illegally enslaved, out of wisdom and mercy it would pay *some* compensation—set at sixty-five piasters for adults, and forty for children. He also ordered judges not to enforce ransom contracts.

The Porte also ended compensation entirely for enslaved Morean Greeks, Montenegrins, and Aegean islanders. This was soon expanded to cover tributary subjects (Moldavians and Wallachians) as well.³⁰ Officials claimed that payments were unjustified, as these *zimmîs* had been enslaved illegally. However, this certainly was not true for most of them, as repeated orders had authorized the enslavement of rebellious Moldavians, Wallachians, and Greeks. The Porte had motivated its soldiers with the promise of enslaving *zimmîs*, but now it reversed its position to save money.

With the removal of even nominal compensation, slaveowners' resistance intensified. Some presented freed Ottoman Christians as Russians, perhaps with the cooperation of Ottoman commissioners. In August 1775, Lashkarev informed the Porte that two women who had recently arrived in the capital, after being freed in the northwest Anatolian city of Bolu, were not what they seemed. Their former owner had received compensation by claiming that they were Russians, but in fact they were Wallachians. They may have cooperated in this deception (presumably no dragoman was present), in order to help their owner gain compensation. The Porte ordered its commissioner either to recover the compensation, or to repay it himself.³¹

²⁷ See van den Boogert, *Capitulations*, 104; Pappas, *Russian Military Service*; Boyar, *Balkans*, 67; Frary, “Russian Consuls.”

²⁸ BOA-CHR 9240; BOA-MADd 10394 p. 61; for unemployed soldiers' depredations, see Aksan, *Ottoman Wars*, 169; Faroqhi, *World around It*, 115.

²⁹ BOA-CAS 40943.

³⁰ BOA-CHR 6112; BOA-MADd 10394 p. 57.

³¹ BOA-CHR 8929.

Even as the Porte removed compensation for enslaved *zimmîs*, it turned to unfree Ottoman labor on an even larger scale, though not under the legal title of slavery. In 1775 and again in 1782, judges in Anatolia, Aleppo, and at least fifty-three districts of Rumelia were ordered to arrest bandits and send them to Istanbul. The orders proclaimed that this would redress an absence of slaves in the Arsenal—presumably because others had been released to the Russians.³²

Russian diplomats did not object to any of these measures. Beyond Obreskov, and perhaps Peterson and Lashkarev, other officials had never been too keen on committing their political capital to free non-Russians. Indeed, all the provisions of the Treaty of Küçük Kaynarca that protected Ottoman Christians were “designed chiefly for domestic consumption.”³³ While Russian diplomats decades later used the agreement to claim an expansive right of intervention in the Ottoman Empire on behalf of Christians, this was not its original meaning. In fact, though the freedom of enslaved Ottoman Christians was perhaps the most important and tangible right of protection the Russians received in the treaty, scholars have largely overlooked it—perhaps because the Russians abandoned it so quickly.

Catherine herself, informed of Peterson’s work in August 1775, commented that she agreed with the policy of freeing the “different type[s]” of captives. She reserved her fondest hopes, however, “especially” for “our natural subjects.”³⁴ A 1773 armistice with Crimean Tatars suggests similar priorities: it freed only Russian subjects, and in fact Catherine’s officers committed to return non-Russian slaves who fled to their protection.³⁵ Catherine’s emphasis on her own subjects, and her domain, over religious sympathies may have reflected her embrace of Enlightenment ideas. Even beyond Catherine, eighteenth-century Russians, Victor Taki argues, took a more secular view of captivity, not as “individual sin or salvation” but as “a political, social and economic problem of the state.”³⁶

However, from a legal standpoint, Catherine simply made explicit what events in the 1740s had already implied: the Russian state’s main interest was in those to whom it had political affiliations, particularly through subjecthood. The Russians, in a sense, were reinforcing, and defining, Ottoman sovereignty by accepting that the liberation of Ottoman *zimmîs* was properly a matter for the Ottoman state itself, not for Russian diplomats. Indeed, after later wars the Russians neither obtained nor claimed a legal right to liberate Ottoman Christians (even though they protested their persecution and tried to help them in other ways, including ransom, as we will see).³⁷

³² BOA-CBH 12061; BOA-CZB 392, 4232.

³³ Davison, “Skill and Imbecility,” 37, 41–2; see also Pollock, “Invitations to Empire,” 765.

³⁴ *SIRIO*, VI:339.

³⁵ Brown, “Serfdom’s Demise,” 357–9. He characterizes Catherine as not “liberationist.”

³⁶ See Taki, *Tsar and Sultan*, 65; see also Khodarkovsky, “North Caucasus,” 423.

³⁷ An isolated, early nineteenth-century counterexample is the release of twelve Ottoman Greeks captured in the service of the independent (but Russian-backed) Septinsular Republic, in a case that remains murky: BOA-HAT 1163/46012.

GEORGIANS

The two states extended this logic in first freeing, and then abandoning, enslaved Georgians. Many Georgians hoped to benefit from the Law of Release—as Hatem had, by claiming to be Iranian, during the 1730s—but they were in an ambiguous position. The inhabitants of Georgia had direct political affiliations with neither the Ottoman nor the Russian empires. Imeret’i, or western Georgia, was not under Ottoman rule but it paid tribute to the sultan, including in slaves, although the Treaty of Küçük Kaynarca ended this. Meanwhile the treaty referred to K’art’li-Kakhet’i, or eastern Georgia, as Ottoman territory, but the parties later admitted this was contrary to tradition: if the king of K’art’li-Kakhet’i “owed allegiance to anyone (which was more than doubtful), it was to Persia rather than to Turkey.”³⁸ Circassians were in a similar situation, though they were discussed far less.

Some Georgians were captured by raids, while others were enslaved in their homelands and then trafficked into the Ottoman Empire. Many were held in elite households, during the eighteenth century, and liberating them would threaten elites’ social and family structure. However, Ottoman officials apparently did not feel able to refuse their release, given Russian diplomatic leverage. Instead, Abdülhamid and İzzet Mehmed maneuvered more subtly. In mid-October 1774, they omitted Georgians from the first orders for liberating slaves posted in Istanbul and sent to the provinces. But, in an apparent attempt to deceive Peterson, an Italian translation given to him *did* mention Georgians.³⁹

Peterson and Lashkarev (himself from a prominent K’art’li family) caught on.⁴⁰ They demanded orders that explicitly included all Christians, not only Georgians but also Moldavians, Wallachians, Poles, and Aegean Islanders. Still, an initial draft of these new orders included only Russians, until another scribe inserted “and others” in the margin. The final version, issued in late October or early November, mentioned Georgians in a preface quoting the treaty, but the body of the order only still referred only to “Russians and the above-mentioned groups.”⁴¹

Some Georgians were found and freed, while others ran away, and the Porte paid compensation to their former owners.⁴² However, the Ottoman state may have also issued informal guidance against releasing Georgians. An anonymous Ottoman diarist recorded on 5 December that “it has been forbidden to give Georgian and Circassian slave girls and boys to the Muscovites.”⁴³

Faced with these efforts to stonewall him, Peterson backed down. In January, he asked his superior, Field Marshal Pyotr Rumyantsev, for permission to ignore Georgian slaves.⁴⁴ Rumyantsev approved, so in March Peterson confirmed to the Porte, in an official note, that he could “wink at” Ottoman noncompliance in the matter of Georgian slaves. The issue caused harm to “the Muslim people” and

³⁸ Lang, *Georgian Monarchy*, 177, 206; Noradounghian, *Actes Internationaux*, 1897, I:329.

³⁹ AVPRI-KM 90/1/588 23r, 34r–37r; BOA-CHR 8060.

⁴⁰ Lang, *Georgian Monarchy*, 246 n. 6; Kessel’brenner, *Lashkarev*.

⁴¹ BOA-CHR 3307, 4094, 4947; BOA-DVE 9/37.

⁴² BOA-CDH 12175; BOA-CHR 834, 3973, 5857.

⁴³ Göksu, *Ruzname*, 75.

⁴⁴ AVPRI-KM 90/1/616 2r–v.

threatened the friendship between the two states. From now on, he would abandon the matter, as would future Russian ambassadors.⁴⁵ In St. Petersburg, Panin confirmed to the Ottoman ambassador, Abdülkerim Pasha, that the liberation of Georgians had been “postponed after careful consideration of the likelihood of the occurrence of uproar and riot among the people of Istanbul.”⁴⁶

Yet even as Peterson made this promise, he deliberately planned how to maneuver around it. “It will always be possible,” he wrote to his superiors, “as now, to free Georgians [by] calling them Russian subjects from the borders of Georgia, or war captives/prisoners of war, not bought in the land as slaves.”⁴⁷ Peterson may have been gesturing at the linguistic similarities between enslaved Georgians from Imeret’i and K’art’li-Kakhet’i, and others who might have been Russian subjects. This could allow Russian officials to pass off one as the other.

He was also gesturing at another ambiguity that hung over the release process, and might benefit Georgians. Some Ottoman officials had suggested that the treaty was particularly, or even exclusively, aimed at those captured *during* the 1768 War—not those taken before it, or those trafficked into the empire (such as Georgians enslaved by other Georgians and then sold). Thus a few Ottoman orders referred to prisoners “taken during the campaign,” which would have excluded those trafficked into the empire. Likewise, the Chief Rabbi of Galata noted that he had asked the Jewish community to reveal slaves “bought since the outbreak of the war.”⁴⁸ This principle was not widely applied, however. Peterson may have been intending to reverse the same idea, by claiming that any individual Georgians he wished to free *had* been taken in wartime, rather than before.

Indeed, a decade later the Russian Ambassador Yakov Bulgakov followed this reasoning when he requested the liberation of a Georgian named Georgio “Mamuka,” held in the Arsenal.⁴⁹ Bulgakov claimed that Mamuka, held in the Arsenal, had been taken in wartime but had not been released in 1774–75, with the others, because he had been working in the provinces at the time. Bulgakov invoked the Treaty of Küçük Kaynarca to demand Mamuka’s freedom. The Ottomans agreed, although oddly, a marginal note indicated that Mamuka had entered state custody in October 1766—*before* the war began. The claim that Mamuka was enslaved during the war may have been a convenient legal fiction. It exploited Peterson’s loophole to allow Georgio’s release, without opening the door to widespread Russian interference on behalf of other Georgians or Circassians.

Ottoman determination to preserve the Georgian slave trade led to another dispute with Bulgakov at about the same time. Article 23 of the Treaty of Küçük Kaynarca required that the Ottomans no longer extract a “tax” of slaves from Imeret’i, as they had in the past. But Bulgakov—on instructions from St. Petersburg, and at the request of Imeret’i—complained that Georgian slaves were still being bought

⁴⁵ For Ottoman and Russian versions, see AVPRI-SRT 89/8/763 30r–v; BOA-CHR 1847; Ahmed Cavid, *Müntehabât*, 492–3.

⁴⁶ Mote and Itzkowitz, *Mubadele*, 101.

⁴⁷ AVPRI-KM 90/1/616 2r–3r.

⁴⁸ BOA-CHR 79, 8060; BOA-DVED 84/2 #737; Ahmed Cavid, *Müntehabât*, 492.

⁴⁹ BOA-AESABHI 346/24188.

and sold in the Ottoman Empire. The Porte replied that the slave *trade* was different from a slave *tax*. Indeed, no effective ban on the slave trade was enforced.⁵⁰

REINFORCING DISTINCTIONS OF SUBJECTHOOD

In between the 1768 and 1787 Wars, Catherine took K'art'li-Kakhet'i under her protection through the 1783 Treaty of Georgievsk. She promised to aid, but not necessarily free, Georgians enslaved by the Ottomans. But K'art'li-Kakhet'i's legal status remained ambiguous. It arguably still owed allegiance to Iran, and more importantly for our purposes, Russian officials did not understand the treaty to mean that Georgians became Russian *subjects*. Imeret'ians, too, remained under Ottoman suzerainty, though this was a confusing point—in 1784, Catherine's favorite Grigori Potemkin asked whether Imeret'i's King Solomon was “independent from the Porte or not?”⁵¹

When the 1787 War ended, the 1792 Treaty of Jassy renewed the exact liberation terms of Küçük Kaynarca. This meant that Georgians, and Ottoman Christians, should have been included among those to be released. (Many Wallachians and Moldavians had been enslaved as rebels during the war.) However, the Porte continued the traditions worked out in the 1770s by excluding such captives from the liberation orders, which referred only to Russians. The Russian chargé d'affaires, Khvostov, did not protest these orders, and does not seem to have sought out any captives other than Russians. However he did receive fugitives, especially Georgians, who fled from their owners; six had arrived by 22 April 1792.⁵²

One such captive was a Georgian woman, whom I will call “Medea” because she is left unnamed in both Ottoman and Russian sources. Her story illustrates the boundaries of the Law of Release. It is unclear when Medea was enslaved, but in February 1793 she escaped from the house of her captor, an Ottoman Armenian man. In doing so, she left behind her two children (it is unclear whether her owner was their father).⁵³ She took shelter with the Russians, and asked them to obtain her children's release. Khvostov, despite his general abstention from requesting Georgians, did so in this case. However the Reis Efendi, Raşid Mehmed, quickly produced Peterson's 1775 note, in which he had renounced the Russian claim to liberate Georgians. This was nearly twenty years old, but Ottoman officials pointed out that the Treaty of Jassy had renewed all previous agreements—implicitly including this note. Khvostov, despite following Peterson's practice of not pursuing Georgians, was unfamiliar with the note itself. He requested instructions from St. Petersburg, noting that the Treaty of Jassy itself *did* mention Georgians.

⁵⁰ Bayram, “Enverî Târîhi,” 230; Lang, *Georgian Monarchy*, 177, 185.

⁵¹ Bournoutian, *Armenians and Russia*, 292–3, 305–7; Lang, *Georgian Monarchy*, 183.

⁵² AVPRI-KM 90/1/1055 11r, 15r; BOA-CADL 691, 692, 7847; BOA-CHR 1604.

⁵³ For this case see AVPRI-SRT 89/8/763 28r–29v; BOA-HAT 224/12489.

Without waiting for a reply, Khvostov also pressed his case to the Porte, making two legal arguments. First, he argued that the treaty had enumerated which specific agreements would be renewed, and this note was not mentioned. So it was invalid. Moreover, Khvostov cleverly pointed out that Peterson, in the note itself, described its purpose as avoiding harm to *Muslims*. But Medea's children were owned by an Armenian *Christian*. He implied this also voided the note.

Raṣid did not accept either argument. After intense discussions, Khvostov conceded that if the Porte could convince Medea to abandon her children, he would drop his claim. In justifying this decision, he reversed his view on the importance of the Armenian's religion. Rather than the owner's Christian faith being a reason he *should* give up the slaves, Khvostov told his superiors that precisely because this man *was* a Christian, he would not compromise the children's faith. Thus it would not be harmful to leave them in his hands.

The Armenian was thus summoned to convince Medea to abandon her children, as both states' officials looked on. She refused. In doing so, Medea forced both Khvostov and the Porte to reconsider. Grand Vizier Melek Mehmed and the Council felt that Peterson's note, perhaps for the reasons Khvostov laid out, provided only weak legal support for their position. Furthermore, the children had not yet reached puberty, so the Islamic legal tradition would still bind them to their mother.

The Porte thus decided to give way, but it did not compromise its position on Georgian slaves more generally. Khvostov, for his part, did not use the case as a precedent. He sought to vindicate the Russian Empire's rights in theory, and to liberate these children in particular, but he had no intention of changing Peterson's general policy. Indeed, echoing his predecessor, Khvostov wrote to St. Petersburg that "local custom" would always make this matter troublesome, as Georgian slaves were important to the Ottomans. "The harems are filled," he said, with Georgian women.

Khvostov thus confirmed the understanding Catherine and Peterson had reached with the Porte two decades earlier: Russo–Ottoman treaties would only release those politically tied to the Russian Empire, particularly its subjects (including those in its military service). The next Ottoman–Russian peace treaty, signed at Bucharest in 1812, further formalized this by omitting any mention of Christian slaves generally, referring only to "Russian subjects."⁵⁴ While Russia had annexed Georgia in 1801, the Porte did not yet recognize this action, so the provision would not have covered Georgians. The agreement also spoke of freeing "prisoners of war," a new phrase in the Law of Release which suggested that peace treaties now focused particularly on those taken during wartime, especially combatants. (As we saw, this was a limitation that Peterson, the Chief Rabbi of Galata, and occasionally the Porte itself, had hinted at, but not embraced, in the 1770s.) The Russians did request a lone Georgian held in Ottoman state custody. Sultan Mahmud II agreed

⁵⁴ BOA-DVED 83/1 p. 206; PSZRI #25110; Mahmud Mesud, *Muahedat*, IV:54–5; Noradoughian, *Actes Internationaux*, 1900, II:90.

after he consulted the Treaties of Jassy and Bucharest, and declared the matter too trivial to dispute.⁵⁵ This man probably had been in Russian military service.

The 1829 Treaty of Adrianople remained limited to “prisoners of war” and Russian subjects. In the same agreement Mahmud II recognized Russia’s annexation of both K’art’li-Kakhet’i and Imeret’i. By Russian custom, however, this would only have applied to those living in K’art’li-Kakhet’i and Imeret’i on the date of annexation—not to Georgians previously enslaved and sold into the Ottoman Empire. It appears that Russian diplomats did not press the question of whether they could now help Georgians trafficked *after* they had declared annexation in 1801, but before the Porte recognized it.⁵⁶

Thus, as the Law of Release was elaborated, its cumulative effect was to protect Russian subjects comprehensively. Enslaving them during peacetime was illegal under every peace treaty, and if they were captured in wartime, the treaty ending the conflict would eventually require their release. But despite Russian gestures toward protecting all Christians, regardless of their subjecthood, diplomats pulled back, leaving Georgians, Circassians, and Ottoman Christians unprotected.

CONVERSION: FROM CIRCUMCISION TO CONFESSION

The Law of Release had another major exclusion, repeated in every peace treaty from 1739 to 1829: converts to the religion of the captor state would not be returned. This seemingly simple rule was far more complex in practice. How would states define who had converted, and how could it be proven? They did so by adopting first one simplified test, and then another. Neither precisely fitted Islamic legal tradition, but they drew on it, as well as on existing Ottoman treaty law, and adapted it to fit the states’ interests.⁵⁷

While converts had been set free under the Law of Ransom after the Treaties of Karlowitz and Istanbul (1699/1700), the Porte refused to cooperate in sending them back to their homelands. This was partly a matter of Islamic law, but also an attempt to protect elite Ottoman households. These depended on incorporating and often converting both male and female slaves. Some would serve within the household for life; others would be manumitted and would extend the household’s influence by leaving it, marrying, and often forming their own households.

A few decades later, when Nadir Shah’s envoy demanded that the Ottomans release captives without ransom, his envoy, of course, did not speak of conversion. ‘Abd al-Baqi Khan argued that the Ottomans could not enslave Shi’a Iranians precisely because they were already Muslims, so he certainly would not have wanted to portray a transition from Shi’a to Sunni Islam as “conversion.” But he did make clear that he was only seeking those “Iranian prisoners who did not marry and remain of

⁵⁵ BOA-HAT 1163/46012. This was combined with the case of the Septinsular sailors, noted above.

⁵⁶ Noradounghian, *Actes Internationaux*, 1900, II:167–8, 172–3; Lohr, *Russian Citizenship*, 28; Lang, *Georgian Monarchy*, 240–65.

⁵⁷ This section draws on Smiley, “Meanings of Conversion.”

their own free will.”⁵⁸ Thus he did not challenge slavery’s role of incorporating captives into Ottoman social units like households.

Matters were different after the Treaty of Belgrade, which explicitly exempted converts from return, on both sides. This may have been in part because Russian elites, like Ottomans, frequently conflated religion with political affiliation. Conversion to Orthodoxy was often a part of taking on Russian subjecthood—and often made it difficult to leave the empire—and indeed the oath of allegiance to the tsar “borrowed freely from the Orthodox liturgical creed.”⁵⁹ Despite such shared attitudes, Ottoman elites feared that Russian diplomats would not honor the treaty’s ban on releasing converts. According to the chronicler Şem’dânî-zâde, the Russian envoy made the “unsupportable demand” that:

[T]hose who have been in the Islamic lands for 30 years, who have accepted Islam and perhaps been freed and who have wives and have become parents, if they are not also given, then I will not hand over the Muslim captives and I will not destroy the fortress of Azov.⁶⁰

Here Şem’dânî-zâde, whom Zilfi calls “vitriolic” in his concern to preserve social order, demonstrated particular anxieties about elite male slavery.⁶¹ He seemed to fear that the Russians would not respect the social role of slavery and conversion, as the Iranians had. They might challenge the basis of elite household slavery, by taking away those (assumed to be men) who had become Ottoman by converting, marrying, and fathering children—even if they had been freed. The latter may have been hyperbole, but it reflected how all of these factors were bound together in Şem’dânî-zâde’s mind; he was not thinking only of a simple dichotomy between slaves and free Ottomans.

Such elite anxieties changed the situation for both captors and captives. On one hand, if converts were not to be freed, then slaveowners could use claims of conversion—whether true or false—as yet another method to keep their captives. The British envoy, Fawkeners, noted concerns that “the pretence of a Slave’s being turn’d Turk [Muslim] would be a constant bar to all the Claims which could be made.”⁶² (A few Jewish slaveowners after the 1768 War allegedly advanced a clever variation on this argument. If their captives became Muslim, they could not hold them—so they claimed the slaves had converted to *Judaism*. This would keep them enslaved, as they had not remained Christian.⁶³) On the other hand, captives’ own interests ran in precisely the opposite direction. Slaves who had become Muslims, for whatever reason, might claim they had not, in order to gain release. How could state officials—whether Ottoman or Russian—adjudicate these claims?

In early 1740, Fawkeners explained, “a regulation is provided in this case, which is that the Slave shall be search’d, & if he is found circumcised he is to be esteem’d a

⁵⁸ Tucker, “Peace Negotiations,” 29.

⁵⁹ Lohr, *Russian Citizenship*, 15–18, 22.

⁶⁰ Aktepe, *Mür’it-Tevarih*, I:107–8.

⁶¹ Zilfi, *Women and Slavery*, 90, 191. Şem’dânî-zâde’s concerns also suggest the “masculine tilt” of elite slavery, which Zilfi sees fading in the early seventeenth century, may have lasted longer, at least as a matter of rhetoric.

⁶² TNA-SP 97/31 (15 Feb. 1740).

⁶³ BOA-CHR 8115.

Turk, but Evidence without this mark is not to pass.”⁶⁴ In vernacular understandings of Islamic law, circumcision stood for male conversion, and loomed large in Russian and European imaginations. But it was not, according to Islamic scholars, the definition or sole criterion of conversion.⁶⁵ It was also, of course, useless to determine whether women, girls, or young boys had converted, but they were apparently not the Russians’ main concern in the 1740s.

Sultan Mahmud I’s orders continually referred to this “circumcision test” as the sole marker of conversion. A 1745 command to the authorities of Bandırma, for example, first restated the orders for the liberation of uncircumcised, truly Russian slaves who persisted in Christianity, before declaring that it had been heard that there were certain, named, uncircumcised true Russians, remaining in Christianity, in the district. Upon receipt of this order, if these captives were indeed true Russians, uncircumcised, and persisting in Christianity, they were to be freed.⁶⁶ By contrast, orders for releasing Habsburg subjects were far less emphatic about conversion, perhaps because ransomers rarely sought out converts.⁶⁷

The circumcision test made the difficult evidentiary and definitional problems of conversion easier for officials. In one case from 1741, for example, the Russian embassy claimed that four Muslims, serving to the galley of well-known Sea Lord, Maryolzâde Ali Pasha, had come to them separately.⁶⁸ According to these informants, Maryolzâde held twenty uncircumcised Russian slaves whom he imprisoned “with oppression and torture,” withholding food and clothing to convince them to convert and accept circumcision. Eleven had died, but the other nine held fast to their faith (and presumably, their hopes for eventual liberation). Mahmud ordered the Kapudan Pasha to investigate. Only three Russian captives were found, however. Maryolzâde claimed that one had converted to Islam years earlier, and that the other two had been circumcised more recently. Because they had converted, Maryolzâde contended, he could keep them enslaved.

The Kapudan Pasha does not seem to have questioned the captives themselves, instead turning to the testimony of their bodies: “experts” examined them and declared that they were indeed circumcised. The case was left there, and it seems they were not released. It may be that Maryolzâde had forcibly circumcised them, but perhaps they had indeed converted of their own volition, and even wished to stay. The circumcision test sidestepped all these questions. Indeed, in a case the following year, a judge in Provadiya (in modern-day Bulgaria) even notified the Porte that he had released two slaves “called by the names Ivan and Dimko in the lands of Muscovy, and called by the names Yusuf and Şahin in the lands of Islam.” The fact that they had taken Muslim names implied they may have converted, and

⁶⁴ TNA-SP 97/31 (15 Feb. 1740).

⁶⁵ See Crews, *Prophet and Tsar*, 44; Bennassar and Bennassar, *Chrétiens d’Allah*, 332–3; Norton, “Narrations of Conversion,” 267; Reinkowski, “Hidden Apostates,” 417–18; Wensinck, “Khitân”; Davis, “Redemption in Venice,” 465.

⁶⁶ BOA-DVED 84/2 #160. See also BOA-CHR 4056, 7802; BOA-DVED 84/2 #59, #63, #104, #133, #160, #189; Ahmet Refik, *İstanbul Hayatı*, 148–9.

⁶⁷ See, e.g., BOA-DVED 58/2 #117, #176.

⁶⁸ BOA-DVE 7/8, 7/10; BOA-CBH 1350.

been recognized as Muslims in the community. But here again, as long as they were uncircumcised, no other social or individual evidence mattered.⁶⁹

However, just as with questions of subjecthood, interpretations of the Law of Release changed after the Treaty of Küçük Kaynarca. Obreskov, who negotiated the treaty, was probably responsible for a new stipulation that conversion would bar returning only those who converted “voluntarily” or “by their own desire.” As early as 1741, Russian diplomats had inserted language about captives’ own desire into diplomatic letters confirming the Treaty of Belgrade, but the Porte had omitted those terms from its replies.⁷⁰ Now the Russians had the power to impose their preferred standard.

That standard was not entirely alien to the Islamic tradition, in which a confession (the *shahada*) and “internal conviction” were elements of conversion, and forced conversions were forbidden.⁷¹ But how were state officials to know captives’ “own desire”? The earliest Ottoman liberation orders, from October 1774, only specified vaguely that conversion had to be voluntary. However, a new test became clear over the winter, as the Porte reprimanded authorities who did not question captives about their faith before releasing them. The liberation process was now to turn on such questioning, as captives were to certify their conversion, or lack thereof, through a “certification [of faith] by the Holy Law.”⁷²

This redeployed the Islamic legal principle of “conviction.” As with circumcision, it simplified one element of the tradition into a test—the confession test—that would be easy for officials to administer. Obreskov himself, when ambassador to Istanbul, had proposed such a test in 1756. He may have been inspired by the Capitulations, under which dragomans were required to witness and certify that Capitulatory subjects’ conversions were voluntary.⁷³ By turning away from circumcision, the new test had an important advantage that fitted Russian objectives. Now, more than in the 1740s, they sought to free women and children, to whom the circumcision test was inapplicable.

The confession test was based *solely* on a captive’s word, at the moment of official interrogation and in the presence of state officials. They were questioned “one by one,” removing the community influences that had once played an important role in conversion. Once slaves had declared their faith, captives were not to be asked again. Nor were community witnesses, who might have known about captives’ reputation and practices, to be allowed. After Peterson complained that commissioners were accepting witnesses’ testimony, the Porte forbade this. For “slaves who have not

⁶⁹ BOA-CHR 7802. For conversion and naming, see Sobers-Khan, *Slaves without Shackles*, 118; Zilfi, *Women and Slavery*, 158.

⁷⁰ BOA-DVEd 83/1 #122–5, #127, #129, #131, #132; BOA-İEHR 1830; see PSZRI, #8435; for more details see Smiley, “Meanings of Conversion,” 566.

⁷¹ See Baer, *Glory of Islam*, 13; Gardet, “I’tikād.”

⁷² BOA-DVE 11/1; see also BOA-CHR 8060, 9240; BOA-DVE 10/13, 10/19; BOA-DVEd 84/2 #718, #738, #795, #798, #814.

⁷³ Van den Boogert, *Capitulations*, 212–13; Noradounghian, *Actes Internationaux*, 1897, I:273–4, 294, 312–13.

appeared in court,” “their owners’ excuses and perfid[ies] which arise with the words, ‘We have witnesses that they previously accepted Islam,’” were to be ignored.⁷⁴

This opened up opportunities for slaves. Some embraced conversion and others did not, depending partly on their convictions, but probably also on whether they desired to remain in the Ottoman Empire. Avoiding a return to serfdom or military service in Russia provided an incentive to convert, even at the last possible moment. For example, a man named Vasil was released from slavery in Kırklareli in Thrace, and arrived in Istanbul in early January 1775. Only then did he embrace Islam, in the legally specified manner—deliberately choosing not to go to Russia. The Porte demanded his owner return the compensation paid to him, but it is unclear if Vasil returned to Kırklareli or to slavery. Purchases of Muslim clothes, which the state customarily gave to converts, suggest a number of other last-minute conversions.⁷⁵ In Egypt, too, a number of Russians (and Georgians) converted to Islam and remained in elite Mamluk households, rising to high positions and using their knowledge of Russian (or Georgian) to diplomatic advantage.⁷⁶

Others insisted that they had not converted, which was necessary if they wanted to return home. Under scholarly (and popular) interpretations of Islamic law, retracting conversion—apostasy—was punishable by death. But the confession test meant that captives who had, by communal or formal religious standards, become Muslims, could simply tell the commissioners they had not, and thus return home. The British envoy John Murray observed in 1775 that even some “grown Men who have been circumcised and professed the Religion for some years say they are Christians,” and were thus entitled to release.⁷⁷ Peterson celebrated such claims, and even concealed some captives’ conversion, believing many had been forced to convert.⁷⁸

Some Ottoman Muslims resented this. The judge of Kayseri in central Anatolia, like others around the empire, answered the Porte’s release orders in early 1776, declaring that of ninety-one slaves found in his district, only fourteen were unconverted, and had been sent to Istanbul. But for three of these fourteen, the judge added a marginal note that they had “become an apostate.”⁷⁹ There was no need to list this information. By sending them to Istanbul, the judge had accepted that they were, by the confession test, Christians. Perhaps his marginal note can be read as an implicit protest of the Porte’s policies. To the community of Kayseri, these captives were Muslims, but the state had declared their religiously prohibited apostasy was to be rewarded, and the judge had to comply.

Others protested more explicitly. In a petition submitted to the Porte, a Muslim named Seyyid Hacı Osman asked for “the implementation of the holy law” in the

⁷⁴ AVPRI-KM 90/1/616 50r–51v; BOA-CHR 941, 8115; BOA-DVEd 84/2 #793, #795, #798, #814; BOA-MADd 10394 p. 62. For community involvement in conversion, see Zilfi, *Women and Slavery*, 144, 159; Norton, “Conversion to Islam,” 35.

⁷⁵ BOA-MADd 10394 pp. 50, 56, 62. For the custom, see, e.g., Minkov, *Conversion to Islam*, 150–2, 165–75.

⁷⁶ Crecelius and Djaparidze, “Georgian Mamluks,” 329–34.

⁷⁷ TNA-SP 97/50 #24.

⁷⁸ *SİRİO*, XV:547.

⁷⁹ BOA-CHR 8472. For more detail on this story and the next, see Smiley, “Meanings of Conversion,” 568–9.

case of his unnamed young male Moldavian slave, who “despite declaring Islam, saying ‘I am a Muslim’ and bearing always the word[s] of the *şehadet* [the Muslim confession of faith], now, becoming an unbelieving apostate with the words ‘I am an infidel,’ cheat[ed] your servant [me].”⁸⁰ Osman’s indignation is obvious, and in asking for the holy law to be applied, he seems to have expected not only compensation, but return or even punishment of his captive. This unnamed man had claimed his freedom, and in so doing, had violated Osman’s understanding of property rights and social order.

In Thessaloniki, the Russians claimed, a number of Muslim townspeople went further—they murdered a fugitive Russian slave who had recently converted, while drunk, and then apostasized when sober.⁸¹ Peterson protested, with unclear results. This again illustrates the disconnect between the international law developed by the Ottoman and Russian empires, and the vernacular understandings of local Muslim communities. In formal interpretations of Islamic law, a drunken conversion would likely have been invalid, and could be retracted without incurring the death penalty.⁸²

THE CONFESSION TEST’S LIMITS

The confession test made it easier to liberate women, whose freedom—along with that of children—seems to have been a higher Russian priority in the 1770s. But women were still disadvantaged, and the question of children’s conversions remained ambiguous. We can see, through three disputes, how the limits of the confession test were challenged, and defined.

The first of these also shows the elite Muslim anxieties about apostasy mentioned above. One enslaved Russian woman, according to the Greek Ottoman writer Habesci, testified to the liberation commission that she remained a Christian—even though her owner claimed she had converted. This may have been apostasy, of course, but the confession test meant she was classified as Christian. When her owner countered that she was pregnant with his child, who would be Muslim, Lashkarev replied that unless the baby would be born with a green turban (the symbol of descent from the prophet), “Mahomet has nothing to do with it, and it belongs to Christ.”⁸³

Had this dispute taken place a few months later, after the baby’s birth, the woman in question likely would not have been released: both states agreed that those who had borne children fathered by Muslim men while in captivity would remain, regardless of conversion. This rule, probably based on Islamic legal rules tying young children to their mothers, essentially anchored the women in the Ottoman Empire.⁸⁴

⁸⁰ BOA-CHR 9223.

⁸¹ BOA-DVEd 84/2 #728.

⁸² Peters and de Vries, “Apostasy in Islam,” 5–6.

⁸³ Habesci, *Ottoman Empire*, 400–1. A paper presented by Kelly O’Neill, and a conversation with her, at the 2009 Aberdeen workshop on slavery in Eurasia brought this source and this story to my attention.

⁸⁴ BOA-CHR 3290; *SIRIO*, XV:547.

The status of other children—those born before they were enslaved—was the subject of further disputes. Murray, the British envoy, feared that they were “taught to say they are Mahometans.”⁸⁵ The Russians agreed, complaining in April 1775 that the Molla of Edirne left pre-pubescent children enslaved even when their mothers were freed. The Porte initially forbade this.⁸⁶ Even as these children arrived in Istanbul, however, the political situation was changing after the death in early April of the chief Ottoman redemption commissioner, Nişancı Abdullah Efendi. Abdullah’s replacement, Âtîf-zâde Ömer Vahid Efendi, refused to give the Russians children freed either in Edirne or Istanbul—even those owned by Christians. Ömer did hand over infants, except those “whose mother fed a Turkish child” (since these Muslim children would anchor such women in captivity).⁸⁷ Peterson protested, but Ömer, a “holy man,” declared that “he looks neither to the treaty nor to the sultan, but knows only the [religious] Law, which commands [him] to make [into] Turks” the enslaved children. The Porte, Peterson claimed, was afraid to change this policy, or to replace Ömer.⁸⁸ In fact, Ömer was not a religious scholar, but a scribe. After finishing his service on the liberation commission, he was appointed Reis Efendi and served for almost two years. Ömer was hardly a renegade, and it is likely that he was acting on orders from Grand Vizier İzzet Mehmed.⁸⁹

Peterson responded by threatening to suspend the redemption process until the arrival of the Ambassador, Repnin, who presumably had more political clout. It seems he felt it was better to stop releasing any captives, than to permanently ratify any other children remaining in the Ottoman Empire. This implies that to Peterson, each individual’s assignment to one empire or the other was final; he could not simply request the same person’s release again if the legal standards changed. To put more immediate pressure on the Porte, Peterson asked the commander of the Russian port of Taganrog to delay returning 4,000 captured “Turks.” Peterson further threatened that the Russians would release their own captives only at the border, “head for head, that is: one Russian for one Turk.” Catherine the Great applauded this improvisation when she learned of it later.⁹⁰ These threats, repeated in numerous meetings with Reis Efendi Raif İsmail, persuaded İzzet Mehmed to intervene, ordering a return to the previous rules. The children whom Ömer had detained would now be questioned about their faith, and in the future all children under ten or twelve would be given, or retained, along with their mothers. By 20 July, Peterson reported, the redemption process was again proceeding smoothly.⁹¹

Like the confession test itself, this arrangement drew on, but simplified, Islamic legal principles. Ottoman courts traditionally considered that children aged

⁸⁵ TNA-SP 97/50 #24.

⁸⁶ BOA-DVE 10/13, 10/19; BOA-DVEd 84/2 #745.

⁸⁷ *SIRIO*, XV:547.

⁸⁸ AVPRI-KM 90/1/616 50r–51r.

⁸⁹ AVPRI-KM 90/1/616 50r–51r; BOA-MADd 10394 p. 61; Mehmed Süreyyâ, *Sicill*, III:442, 700–1, IV/2:388.

⁹⁰ AVPRI-KM 90/1/616 50r–51r; TNA-SP 97/51 #2 and 17 June 1775; *SIRIO*, VI:339; Habesci, *Ottoman Empire*, 290, 406.

⁹¹ AVPRI-KM 90/1/616 50r–51r; *SIRIO*, VI:217–18, 321.

between roughly seven and ten *might* have the mental capacity to convert to Islam, but this needed to be proven, at least nominally, on a case-by-case basis.⁹² By drawing a line based on age, the two states again sought simple, categorical distinctions between those captives who would return, and those who would stay. They eschewed individualized or community knowledge.

The confession test was again reaffirmed under contentious circumstances after the 1787 War.⁹³ In the spring of 1794, Khvostov requested the Porte, pursuant to the Treaty of Jassy, to force an Ottoman scholar named Mustafa to release a family he held in slavery. David “Manisarov,” his wife Maria, and her son were Russian subjects from the fortified Caucasus town of Kizlyar, and like so many others they somehow communicated their plight to Khvostov. Although the chargé d’affaires considered this an “ordinary” matter, the Reis Efendi, Raşid Mehmed, refused to comply. He said that two witnesses—imams, no less—would testify that Maria had converted to Islam, so she could not be released.

Raşid admitted that, ordinarily, these witnesses would be disregarded; Maria would be brought to the Porte, questioned, and her declaration there would be binding. Implicitly, Raşid reiterated the confession test, and the understandings reached in the 1770s. But, he said, matters were different in this case. The Russians were holding captured Ottomans on the pretense that they had converted to Christianity, so the Porte would reciprocate. Privately, he added that cooperation in Maria’s case might anger religious scholars, and the families of those held in Russia. In this moment, Sultan Selim III was extremely concerned with liberating captured Ottoman Muslims, seeing it as vital to his imperial prestige.⁹⁴

From Khvostov’s viewpoint, another principle was at stake. He told his superiors that if these imams’ word were accepted, it would allow the harms the Russians had always feared would result from admitting any witness testimony. “Of course,” he wrote, “every Turk could find two clergymen [*sic*] to witness that this slave was a Muslim”—so no captives would go free. The Porte eventually backed down, due to fears of war and the Austrian envoy’s intervention. It is unclear if this was tied to any Russian concessions; the Ottoman envoy to St. Petersburg remained frustrated with the release process there.⁹⁵

Witness testimony remained inadmissible. What is most notable in this dispute is that it was, explicitly, exceptional. Raşid recognized that witness testimony was not ordinarily accepted, but he insisted on its use precisely because he was *trying* to break the rules—to retaliate against what he believed were Russian violations of those same rules. He strategically disrupted the established system, in order to defend that system. European legal scholars might have called this a reprisal, a tit-for-tat, in-kind response to a perceived violation of the rules by the other side. Thus this incident, like Medea’s case a year earlier, proves how enduring the unwritten rules of the Law of Release had become.

⁹² Ginio, “Childhood,” 99–101, 104, 109–10.

⁹³ For this case see AVPRI-SRT 89/8/784 38r–42v.

⁹⁴ Smiley, “People of Islam”; İnalçık, “Osmanlı-Rus Münasebetleri,” 200.

⁹⁵ Smiley, 245–6.

And indeed, the confession test became a customary part of the Law of Release—not only after the Treaty of Jassy, but also after those signed at Bucharest, Adrianople, and Paris. Its procedures were never explicitly referenced, but officials on both sides took them for granted. Each war saw far fewer disputes over conversion, perhaps because captors, captives, and officials had learned to follow the rules—or to invisibly manipulate them. This is hard to observe directly, but there are hints in the archival record. After the 1787 War, for example, the authorities on Crete declared, in response to sultanic orders, that they knew of only one Russian captive. He had converted, they claimed, in the legally required manner, fifteen days before the order arrived. This was either a remarkable coincidence, or a calculated attempt to manipulate the rules, perhaps by a man who wished to avoid returning to Russia.⁹⁶ As conversion became susceptible to manipulation, however, Ottoman authorities—most notably Sultan Selim III—became more dubious of converts' commitment. This foreshadowed, and may have helped create, a more general nineteenth-century Ottoman suspicion of Christian converts.⁹⁷

Such suspicions followed from the fact that the confession test (and for that matter the circumcision test) was not intended to determine “the truth” of a captive's religious beliefs, his/her behavior and practice, or even his/her desire to stay or to return. Rather, the Ottoman and Russian states created an ad hoc system of allocating individuals between them. The Russian state had a legal right to demand the release of Russian subjects, but not others. Russian subjects *remained* Russian through their enslavement, but converting made them Ottoman. Captives assigned to Russia were freed; those who were not—whether they were assigned to the Ottomans, or left unassigned (like Georgians) remained in slavery. These rules drew on a variety of existing concepts, such as Russian subjecthood, *zimmet*, tribute-paying, circumcision, confessions of faith, and the distinction between those taken in war and those trafficked.

Once this framework was in place, it provided a template that the two states could use to allocate individuals between them in other contexts. The principle that dragomans would determine who was Russian, was codified in the 1783 Russo–Ottoman commercial Capitulations.⁹⁸ Subsequent agreements extended the Law of Release to adjudicate the cases of deserters and fugitives from Russia entering the Ottoman Empire.⁹⁹ Treaty provisions for extraditing criminals, or political refugees, also contained exceptions for converts, which many Polish and Hungarian revolutionaries exploited after the revolutions of 1848.¹⁰⁰

Ottoman officials still did not refer to a unified category of “Ottoman subjecthood.” Nor did they write explicitly of Russian “subjects,” only “Russians.” They did not reason deductively from these categories, asking whose subject a captive (or fugitive) was. Instead, inductively, they asked whether a given person would

⁹⁶ BOA-CHR 2613; BOA-DVEd 86/4 #423.

⁹⁷ This argument is made in Smiley, “Meanings of Conversion”; see also Deringil, *Conversion and Apostasy*.

⁹⁸ PSZRI #15757; Noradounghian, *Actes Internationaux*, 1897, I:355.

⁹⁹ This is argued in Smiley, “Burdens of Subjecthood.”

¹⁰⁰ Deringil, *Conversion and Apostasy*, 26.

stay or go, depending on the rules for such cases.¹⁰¹ As its limits were challenged and defined, then, the Law of Release did more than regulate captives' release. The total effect of these rules was to define sovereignty, creating a mutual subject-hood boundary separating those assigned to the Russian Empire from those assigned to the Ottoman Empire.

¹⁰¹ Deringil refers (157) to a long-standing pre-Tanzimat tradition in which "conversion to Islam on Ottoman soil made the convert automatically a subject of the Sultan/Caliph." However, there is no indication here of officials thinking in such categorical terms in the eighteenth century. The question was not (yet) whose subject a person was, but what particular treaties specified about their fate.

PART III

Third Interlude: The 1787 War

In the Treaty of Küçük Kaynarca, the Ottomans had agreed to Crimean autonomy, not independence. But Russia was not satisfied with this. After persuading the Porte to accept the candidate she supported as Crimean Khan in 1779, Catherine then annexed the peninsula in 1783. Sultan Abdülhamid did not go to war immediately, but the annexation was one factor leading to a new Ottoman–Russian conflict four years later, in the autumn of 1787.¹

The initial clashes occurred in the ports and fortresses around Crimea, but the focus of fighting shifted to the Balkans, as Russian forces repeatedly defeated the Ottomans and moved southward, along the western shores of the Black Sea. In order to face the Ottomans, Catherine withdrew her troops from Georgia, leaving the kingdoms subject to Ottoman slave raids that carried off hundreds to be sold in Istanbul.² While the Russian fleet did not enter the Mediterranean as in previous wars, Catherine commissioned corsairs to raid Ottoman commerce on her behalf.

Habsburg Emperor Joseph II (r. 1765–90) joined the Russians in January 1788, only to suffer several stinging defeats by the Habsburgs' old Ottoman rivals, whom they had not fought for half a century. The Ottoman army broke into the Habsburg-controlled Banat of Temeşvar, and enslaved thousands of the inhabitants.³ The Habsburgs, however, soon recovered and took Belgrade in 1789, even as the Russian commanders Grigory Potemkin and Aleksandr Suvorov defeated the Ottoman army in the field and then attacked the Danube fortifications. In captured fortresses that did not surrender—such as Ochakov and Izmail/İsmail—the Russians killed both combatants and noncombatants, who often fought to the death. On the eastern side of the Black Sea, Russian forces first failed, and then succeeded on a second try, in taking the fortress of Anapa.

Amidst these defeats, Abdülhamid died in 1789 and was replaced by his nephew Selim III (r. 1789–1807). Selim's determination to win the war led him to depose and replace several grand viziers, moving from Koca Yusuf Pasha, to Cenaze Hasan Pasha, to Gazi Hasan Pasha (hero of the Battle of Çeşme in the last war), to

¹ Unless otherwise noted, the narrative here draws on Aksan, *Ottoman Wars*; Quataert, *Ottoman Empire*.

² TNA-FO 78/9 #19; Suny, *Georgian Nation*, 59.

³ TNA-FO 78/9 #29, #44; Hochedlinger, *Emergence*, 384.

Şerif Hasan Pasha, and finally back to Yusuf again. The Porte attempted to forge an anti-Russian alliance with Prussia and Sweden, but this faltered. In the face of defeats by the better organized and better-disciplined Russian forces, and faced with a severe fiscal crisis while debasing the currency, Selim's field commanders sent him an unprecedented protest insisting on peace in 1791.⁴

The Ottomans agreed to separate truces with both belligerents in 1790 and 1791, and then to the Treaties of Sistova (1791, with Austria) and Jassy (1792, with Russia). The Porte regained Belgrade, as the Austrians turned their attention westward after the French Revolution. But the Ottomans relinquished claims to Crimea, along with a strip of land (Yedisan) to the northwest of the Black Sea, in modern-day Moldova and Ukraine. Russia's border with the Ottoman Empire thus moved one river south, from the Bug to the Dniester, further into the Balkans. Catherine and Potemkin directed settlers to this region, as they had in the lands acquired after 1774. They founded a new port city, Odessa, on the site of an Ottoman town known as Hocabey.

Abdülhamid had recognized his empire's military weakness after the defeats of 1768–74, and embarked on reforms to the artillery corps. After the 1787 War, Selim went further, forming a disciplined "New Order" (*Nizam-ı Cedid*) army to fight in the same fashion as the Russian army. While this began as a military endeavor, Selim solicited reform proposals from his advisors, and began attempting to remake the state's financial and, to some extent, political structure to support the new army and a reformed navy.⁵

The New Order army was small, however, and Selim still relied on janissaries, and more importantly on the forces of provincial notables, in the many wars he fought in the 1790s and 1800s.⁶ We will discuss most of these in Part IV, but it is important here to note a further Russo–Ottoman conflict that had some similarities to the 1787 War with regard to captivity. The 1806 War was an outgrowth of the politics of the French Revolutionary and Napoleonic Wars, and it stemmed from Russian incursions into the Ottoman tributary principalities of Moldavia and Wallachia. As in previous conflicts, Ottoman forces were no match for the disciplined, trained, and conscripted imperial Russian army.

The war was punctuated by lulls and ceasefires, because both empires were distracted by other matters. Even while fighting the Ottomans, Russia participated in coalitions against Napoleon Bonaparte, losing to the French emperor's armies in the 1807 battles of Eylau and Friedland. In 1812, partly prompted by Napoleon's impending invasion of Russia, Emperor Alexander I (r. 1801–25) made peace with the Porte. Among other provisions, the 1812 Treaty of Bucharest gave Russia control over the region of Bessarabia (part of Moldavia, now in modern-day Moldova and Ukraine). This pushed the Ottoman–Russian border still further south, from the River Dniester to the River Prut. The Ottomans also fought the British, and dealt with revolts, as we will see—and by 1812, Selim III was no longer sultan, having been deposed and then killed.

⁴ Menchinger, "Ottoman Historian," 141–6; see also Shaw, *Old and New*.

⁵ See especially Zorlu, *Innovation and Empire*; Aksan, *Ottoman Wars*, 180–213.

⁶ See Yaycioğlu, *Partners of the Empire*.

5

Prisoners of War

Kömürcüoğlu Mehmed Reis, a Trabzon merchant, had the misfortune of sailing the Black Sea when the 1787 War began.¹ When he encountered the Russian warship *Maria Magdalena*, its crew sank his vessel and took him aboard as a captive. But, as noted in the introduction, the *Maria Magdalena* itself was crippled by a storm in mid-September, and its captain, Benjamin Tisdale, worried that the wind was carrying it directly to “the Enemys Coast.”² Mehmed confirmed that the lighthouse and gun batteries ahead of them were those of the Bosphorus. According to the chronicler Taylesanizâde, Mehmed then warned his captors:

Apart from Istanbul there is no escape; wherever we might anchor, the whole ship will be torn apart and the soldiers on the shores will kill us all; but if we go to Istanbul, you will become captives and your lives will be saved, and when peace is made, you will again be free.³

Tisdale, for his part, did not know how long that might take, and in the meantime, “We should be not only made Prisoners, but Slaves likewise, to the Barbarous Turks.” Even more important, surrendering would be a “dishonour” and a “Scandal to Me, and everyone aboard the ship.” Better to let the ship run aground, or sink with all hands. But his crew disagreed. They nearly mutinied, Tisdale claimed, preventing him from blowing up the ship and putting “the Turk prisoner on board to the Helm.” Mehmed steered for the Bosphorus, where he went free (and received a reward), while Tisdale and his crew of 396 were sent to the Arsenal. The prisoners were apprehensive about what awaited them. Some crewmen advocated surrender because “Life was Sweet,” and rather than drowning, “they might be Slaves for Life, Let it be so.” Tisdale himself worried that his head might be cut off.⁴

Such fear was sensible, but for the most part all involved seemed to understand that, as Mehmed promised, the most likely outcome was detention in state custody, labor, and then release at war’s end. When Tisdale’s superior, Rear Admiral Marko Voinovich, heard that the *Maria Magdalena* had not sunk, but that the crew was

¹ The account in the next four paragraphs is primarily based on Emecen, *Taylesanizâde*, 223–4; Tisdale, “Memoirs,” 103r–108v, 117r, 163r, 176r–185r. See also AVPRI-SRT 89/8/161 1r, 89/8/763 40r–v; BOA-AESABHI 8/746; BOA-CBH 1787; BOA-CHR 3773; TNA-FO 78/8 #21, #22; Ahmed Câvid, *Müntehabât*, 589–90; Zorlu, *Innovation and Empire*, 147; Lopatin, *Lichnaia Perepiska*, 242–3, 245; Shirokorad, *Admiralty i Korsary*, 246–7, 398–9, 439; Beskrovnyi, *Armiia i Flot*, 372, 526; Anderson, *Naval Wars*, 321; Bayram, “Enverî Târihi,” 315–17.

² Tisdale, “Memoirs,” 103v.

³ Emecen, *Taylesanizâde*, 223–4.

⁴ Quotations from Tisdale, “Memoirs,” 104v–105r.

in the Bagnio, he celebrated in terms that echoed Mehmed's: "Thanks be to God, they are safe, and will be Ours again hereafter."⁵

This was not true of the ship, which was taken into Ottoman service as the *Kerem-i Barî* or *Hüdaverdi* ("Gift of God") and fought in the Black Sea. Tisdale himself guessed that his captivity would last four years, and turned out to be right. He was released from the Arsenal in late 1791, and the prisoners returned to Russia in mid-1792. Even before the *Maria Magdalena* surrendered, Tisdale began collecting signed statements and lining up testimony from other officers for "the Court Martial, which they must reasonably expect, upon their return to Russia." They believed Catherine "will not Suffer a Ship of Hers to be given up to the Enemy, upon no Account what ever." Tisdale was indeed court-martialed in 1792; he was acquitted, but then discharged from service and forced to leave Russia. By early 1793 he found himself back in Istanbul, receiving informal aid from Russian and other diplomats while he petitioned Catherine to restore his pension.⁶

The Law of Release, of course, vindicated Mehmed's, Tisdale's, and Voinovich's expectations of peacetime freedom. But the experiences of the *Maria Magdalena*'s crew—which are illuminated by a remarkable overlap in Ottoman, Russian, British, and French sources, including Tisdale's own memoirs—also illustrate another aspect of Ottoman captivity: the changing nature of detention *during* wars.

In the 1768 and 1787 Wars, the Ottoman state increasingly took captured enemy combatants—soldiers and sailors—into its own custody, rather than allowing soldiers to sell them privately. They remained, in Islamic legal terms, slaves—in particular, State Slaves—but it was clear that they were regarded differently. The state no longer valued them primarily for labor, ransom, or sale—indeed, at times they were even portrayed as a nuisance. But holding them was politically useful, at least until wars ended. They were prisoners of war.

While the Law of Release made Ottoman enslavement a temporary affair, lasting only until wars ended, the prisoner-of-war system separated captives from other slaves even *during* wars. Its formation was by no means uniform or complete; the Ottoman military at this moment was an unruly, heterogeneous conglomeration of different leaders and their followers, some of whom pursued their own captivity policies. But even amidst this chaos, the networks of the Ottoman central state—centered on Istanbul, certain fortresses, the imperial army camp, and the fleet—were able to collect increasing numbers of captives through orders and payments. The Porte may have undertaken this initiative in order to make the Law of Release easier to implement: if the state held the captured combatants about whom Russian diplomats were the most concerned, diplomatic tensions might be lowered.

However, in both the 1768 and 1787 Wars, it remained legal to enslave enemy noncombatants. Indeed, the structure of the often unpaid Ottoman army nearly required that *some* enslavement be permitted, and made it hard to prevent. The British envoy, Robert Ainslie, observed in 1788 that when Ottoman forces could break into enemy territory, plunder was "necessarily tolerated, to prevent mutiny

⁵ Tisdale, "Memoirs," 117r.

⁶ Quotations from Tisdale, "Memoirs," 107v, 163r.

and desertion.”⁷ Thus, Ottoman forces enslaved tens of thousands of Habsburg noncombatants when they overcame that empire’s border defenses in the Banat in 1788. However, such victories were rare, as Ottoman armies were on the defensive and lost most battles.

Focusing on captured combatants, this chapter traces, in turn, the creation of the prisoner-of-war system in the 1768 War, its basic structure, its limitation to the Ottoman state’s corridors of power, and European observers’ recognition of it.⁸ This lays the groundwork for Chapter 6, which continues to use the *Maria Magdalena’s* story to explore captives’ attempts to maneuver within, or resist, the rules of captivity.

COLLECTING CAPTIVES IN THE 1768 WAR

Two Ottoman authors who wrote for European audiences after the 1768 War offered starkly different portrayals of captured Russian soldiers’ fate. “All the prisoners taken by the Turks were sold as slaves,” declared the Greek Elias Habesci, who claimed close ties to the palace.⁹ By contrast, the Armenian-Swedish dragoman Mourdjea d’Ohsson claimed that “the Ottoman sovereign has for his part all the military [men] made prisoners, both officers and soldiers,” while other captives were privately enslaved.¹⁰ In a sense, both were right: there is little evidence that captured Russian soldiers came into state hands early in the 1768 War, but this began to change in 1771. The roots of the Ottoman prisoner-of-war system lie here.

Throughout the war, enemy combatants were sometimes killed rather than captured or allowed to surrender. Those who were taken for intelligence, but refused to talk, could also be killed.¹¹ The state took custody of some, and put at least forty-three to the oars of the Danube flotilla.¹² But at first, relatively few made it to Istanbul: there is clear evidence in Ottoman administrative documents and British diplomatic correspondence of only thirty-three, despite claims (probably exaggerated) or capturing far more.¹³

Nearly half of these were officers—a disproportionate number, unless the Porte was still trying actively to collect those of high rank. Supporting such a conclusion, in November 1770 the British envoy reported that, after hearing of a Russian officer “sold for a Slave,” he informed the Reis Efendi, “who immediately gave Orders to purchase him, and he was sent to the Seven Towers.”¹⁴ The capture of Major Semyon Zorich, who arrived in Istanbul a few months earlier, also illustrates the state’s focus

⁷ TNA-FO 78/9 #29.

⁸ I have presented preliminary approaches to some of the topics in this chapter, and Chapter 6, in Smiley, “Barbarous Law.”

⁹ Habesci, *Ottoman Empire*, 399.

¹⁰ The one-fifth slave tax, he noted elsewhere, was no longer collected on the battlefield. D’Ohsson, *Tableau Général*, V:91.

¹¹ Taki, *Tsar and Sultan*, 79; Aksan, *Ottoman Statesman*, 143.

¹² BOA-CBH 12005.

¹³ BOA-CAS 12976; BOA-CHR 1707, 6480; TNA-SP 97/45 #14–17, 97/46 #12, #17; TSMAd 2770 p. 1; Ahmed Câvid, *Müntehabât*, 345; Gök, “168. Mühimme (I),” 61–2, 134–5, 174.

¹⁴ TNA-SP 97/46 #22.

on officers. Fearing he would be killed, Zorich claimed to be a nobleman and a general. His captor, İnce Mehmed, turned him over to the state and was awarded 500 piasters, plus a daily ration of 60 aspers. Zorich's arrival in Istanbul at the end of August 1770 was exceptional enough to attract crowds, and he was accompanied by four junior officers—but no enlisted men. They were held in the Seven Towers (not the Arsenal) and received various rations, liquor, “Frankish” clothes, aid from an Ottoman doctor, and cash allowances (though these were insufficient, and possibly embezzled by the castle's commandant).¹⁵

However, beginning in 1771 and 1772, many more slaves, including enlisted men, began to arrive in Istanbul in state custody. At least eighty came in 1771, and more than 325 in 1773. The following year the summer campaign season continued only through July, when peace was made, but the army did dispatch a few captives to Istanbul in that time (sixty-three more came by sea). Generally they were collected in the main army camp, in the custody of the Mahzar Ağa (chief of the Grand Vizier's bodyguard), before being sent to Istanbul. It seems the state seized all the captives taken in some battles, but at other times only some. For example, ten soldiers, a major, and a captain were separated out from prisoners taken near the Danubian town of Yergöğü/Giurgiu and sent to the camp, while others may have been left in private hands. On the other hand, after one (rare) Ottoman victory near Ruse, 125 captives arrived in Istanbul (including Prince Repnin, brother of the future Russian ambassador to Istanbul). This was probably all or almost all of those taken. The chronicler Ahmed Câvid claimed that 200 Russians were captured, which was likely an exaggeration but is not too far beyond the 125 reported as arriving.¹⁶

As these captives arrived in Istanbul, they were sent to the Arsenal, greatly increasing its population. There were 436 State Slaves in the Arsenal in August 1773 (and 118 more at sea with the fleet), and 715 in the summer of 1774 (plus sixty-three at sea).¹⁷ When prisoners were released in March 1775, there were 513 Russians present, along with forty Moldavians and Wallachians who may have fought alongside them.¹⁸ These numbers were far higher than before the war: there were only ninety-nine State Slaves in the Arsenal in July 1765 (and an unknown number at sea). They were also higher than before state collection intensified: in September 1770, there were only ninety-six State Slaves in the Arsenal. Few if any

¹⁵ AVPRI-KM 90/1/616 #14; BOA-CAS 37455, 42423; BOA-CHR 717, 8256; BOA-CSH 826; BOA-MADd 10391 pp. 233–4; TSMAd 2770 p. 1; TNA-SP 97/46 #15, #17; Montefiore, *Potemkin*, 168; Ahmed Câvid, *Müntehabât*, 343; Aktepe, *Mür'î-Tevarih*, IIB:41–2; Gök, “168. Mühimme (I),” 38, 61–2.

¹⁶ BOA-CAS 3384, 23947, 30883, 32796, 33090, 33127, 33164, 35713, 36452, 36984, 42422, 42442, 42529, 43018, 43019, 51596, 53027; BOA-CBH 5943, 7258; BOA-CHR 405, 412, 5110, 5229, 5907, 9031, 9037; BOA-MADd 10385 pp. 1–2, 184, 187; Ahmed Câvid, *Müntehabât*, 371, 464; Gök, “168. Mühimme (I),” 401–2, 406, 443–4, 447. These records are not comprehensive, and they overlap.

¹⁷ BOA-DBŞMd 4387A, 41378, 41389, 41390; Panzac, *Marine Ottomane*, 210; Anderson, *Naval Wars*, 306.

¹⁸ BOA-DBŞMd 41395; Göksu, *Ruzname*, 77.

were with the fleet, which had returned after the disastrous defeat at Çeşme, but it is possible many died or escaped there.¹⁹

Indeed, it was in the campaign season after Çeşme—1771—that captured Russian soldiers began to arrive in the Arsenal in large numbers. Yet the increasingly sail-powered Ottoman fleet also needed fewer rowers in this period, so the collection of captives cannot have been intended for labor. It is also unlikely that the accumulation of State Slaves was simply due to military victories: Ottoman forces continued to lose battles in 1771–73, though not as disastrously as in 1770 (or 1774).²⁰

Instead, the collection of captives was likely the result of official choices. In February 1772, Grand Vizier Muhsinzâde Mehmed Pasha ordered at least one commander to send Russian captives to the camp—distinguishing them from rebellious Wallachians, who were interrogated but not sent.²¹ The overall collection of captives cannot be traced to this one order, which could simply have been issued because Russian-language interpreters were available only in the camp. But coupled with other evidence, it may have marked a broader policy change.

Three factors seem likely to have impelled this change: reciprocity, military necessity, and the Law of Release. Before the 1771 campaign season, Ahmed Resmi Efendi, an experienced bureaucrat and scribe, became *kethüda*, or deputy, to Grand Vizier Silahdâr Mehmed and then his successor Muhsinzâde Mehmed. Both viziers, Aksan argues, were more capable than their predecessors, but Ahmed Resmi's influence may have been more important.²² After the war ended, his reflections on defeat listed eight major lessons that the Ottomans should learn—and one of them concerned captivity. Catherine's forces, he wrote, "do not violently torture the Men of Islam whom they capture. They leave them be and say nothing about their religion, and set some of them free lest they be a useless burden. It is known that they will take no gold coin from the men whom they capture by way of ransom."²³

Ahmed Resmi may have been concerned about reciprocity—securing good treatment for captured Ottomans. Russian observers claimed that such anxieties did lead the Ottomans to treat their prisoners better, as Russian victories in the 1735 War and early battles of the 1768 War brought many Ottomans into their hands.²⁴ Collecting captives in state hands might have seemed, to Ahmed Resmi, a step toward improving their treatment, though the state's moves in the 1770s do not seem aimed specifically at this goal (as they were later).

Concerns about military disorganization, which greatly contributed to Ottoman defeats, may also have played a role. After the war, the court historian Ahmed Vasıf lamented the problems caused when irregular soldiers, disregarding other duties, zealously sought to take captives (perhaps for personal gain). Muhsinzâde Mehmed,

¹⁹ BOA-DBŞMd 41272, 41340; TNA-SP 97/46 #16. One account of the battle gives no evidence that any captured Russians were killed or recaptured there: *Authentic Narrative*, 80–2.

²⁰ See Aksan, *Ottoman Wars*, 156–7; Anderson, *Naval Wars*, 307.

²¹ BOA-CAS 17311.

²² Aksan, *Ottoman Statesman*, 103, 131–3.

²³ Ahmed Resmi Efendi, *Summary of Admonitions*, 86–7; Aksan, *Ottoman Statesman*, 168–9.

²⁴ Taki, *Tsar and Sultan*, 86; Taki, "Orientalism," 325.

who advocated reforms after the defeats of Kartal and Çeşme, may have shared such concerns. Collecting captives in state hands by offering rewards, particularly if coupled with punishments for those who did not turn over captives, might have redressed this problem.²⁵

Finally, it may be significant that Muhsinzâde Mehmed's order to collect captives went out on the eve of two separate truces, one in the Mediterranean and one in the Balkans, during which seventy Russian captives were exchanged for thirty-five Ottomans.²⁶ He may have anticipated this exchange, and sought to ensure he had captives available to trade. But Muhsinzâde Mehmed may also have been thinking of the captive-release process following the 1735 War, of which he was a veteran and in which his father had been grand vizier. If he expected the 1768 War would also end with the release of prisoners—as it did—then keeping these captives in state hands would have eased their return, avoiding diplomatic confrontations. Reciprocity may again have played a role here, as the Porte was increasingly concerned about its captured subjects in this period.²⁷

All three of these reasons could also help explain why the captives taken into state hands and sent to the Arsenal were all Russian combatants, and not noncombatants, or Ottoman Christians taken in revolts. (Of course, the Ottoman army had few opportunities to capture Russian civilians in 1771–74.) If Ahmed Resmi was concerned about reciprocity, it was captured soldiers who mattered most. The same was true if Ahmed Vasif was worried about disorder in battle, as individuals scattering to capture civilians in between military clashes would not present the same risk. Nor would it in battles against rebels, presumably less organized and less capable of exploiting Ottoman disorganization than the Russian army was. And if—as it seems—Russian diplomats were most interested in retrieving captured soldiers and sailors, and adult men more generally, then enslaving civilians, especially Ottoman civilians, would have presented less of a diplomatic challenge.

THE 1787 AND 1806 WARS

This was the system of captivity into which the *Maria Magdalena* sailed at the beginning of the 1787 War. The ship's crew of 396 was the largest single body of prisoners to arrive in Istanbul during the conflict. But many others, in smaller groups, were systematically collected, dispatched to Istanbul, and remanded to the Arsenal, through an increasingly developed system that we can more easily examine in this war than in the last. It is unclear if Grand Vizier Koca Yusuf Pasha or other officials deliberately chose to continue policies from the last war, but in practice they did.

²⁵ Menchinger, "Ottoman Historian," 78–9; see also Aksan, *Ottoman Wars*, 52.

²⁶ BOA-CBH 4314; BOA-CHR 3809; BOA-DVE 8/66, 9/10; TNA-SP 97/48 #8, 97/49 #8; Ahmed Resmî Efendi, *Summary of Admonitions*, 62–5; Köse, *Küçük Kaynarca*, 73–5.

²⁷ Aksan, *Ottoman Statesman*, 103; Smiley, "People of Islam." Prisoner exchanges had this effect in Europe, and in Russia: Krebs, *Merciful Enemy*, 86; Hellie, *Slavery in Russia*, 68–9. Erdem suggests that similar motives led the state to "buy" slaves even *before* peace in 1774, but the documents he uses may have been misdated by archivists: BOA-CDH 12175, 16483; Erdem, *Slavery*, 32.

Upon the outbreak of war, the Ottomans temporarily imprisoned the Russian envoy Yakov Bulgakov in the Seven Towers, seized Russian-flagged ships in Istanbul and other ports, and imprisoned the eighty-one Russian subjects in their crews. Many more captives came from combat, especially after the Austrians joined the conflict in 1788 and suffered a series of defeats. After one Ottoman victory, at Şebeş/Karánsebes, officials seized about 100 prisoners—perhaps combatants—and sent them to the army, even as Ottoman soldiers privately enslaved so many girls and women that their prices fell to as little as five piasters each. It may be that Koca Yusuf felt the morale and recruiting benefits of allowing civilians' enslavement outweighed any risk of having to collect them later. Many *combatants*, however, were taken into state custody, put under the Mahzar Ağa's guard, and then dispatched to Istanbul—as in the 1768 War.²⁸

These convoys' workings were documented by a French traveler and sometime agent of intrigue, Louis François, Comte de Ferrières-Sauveboeuf. After travels in the Ottoman Empire and Iran, Ferrières-Sauveboeuf attempted to return home through the battlefields of the Balkans, only to be arrested at Sofia on suspicion of spying in the summer of 1788. Grand Vizier Koca Yusuf sent him to Istanbul (and then eventually back to France). While on the road, he accompanied seventy Habsburg prisoners, the survivors of a 110-man detachment that had been overrun by janissaries. Their captors, they claimed, had been enraged at the resistance of one sub-unit, and wanted to execute some of them, until they were dissuaded by a bribe. It appears all were taken into state custody. The prisoners were carried in carts or on horseback, chained at night and sometimes during the day, and accompanied by escorts who had been given barely enough money to feed them. This was probably typical. Ottoman documents and chronicles suggest that the wounded or sick were more likely to be put in carts, and boats were used to carry some captives down the Danube. Illness followed the convoys. While Yusuf provided a doctor at his own expense for one convoy in 1788, this was exceptional, and deaths on the road were common.²⁹

Guards were supposed to report such deaths. The orders commanding local authorities to provide provisions and safe passage for each convoy listed the number of prisoners to be carried, allowing the authorities to confirm that the guards did not sell any into slavery for their own profit. The Porte knew some would die of illness or wounds, and in such cases demanded the guards produce the prisoner's severed head—again, probably to prove he had not been sold. Ferrières-Sauveboeuf described how unscrupulous guards could brutally exploit this system: his escorts murdered two prisoners whom they judged were slowing down the convoy, adding the heads to those they were already transporting (they pretended these were evidence

²⁸ AVPRI-SRT 89/8/161 1r; BOA-CADL 3735; BOA-CAS 44192; BOA-CBH 3689; BOA-HAT 203/10522, 207/10933; TNA-FO 78/8 #15, #17, #18, #20; Bayram, "Enveri Târîhi," 472, 695; Emecen, *Taylesanizâde*, 215; Mayer, "Austria's Security (I)."

²⁹ Ferrières-Sauveboeuf, *Voyages Du Comte*, I:139–46. See also BOA-CAS 25492, 44884; BOA-DVE 63/72; BOA-HAT 24/1189, 182/8350, 189/9054; TNA-FO 78/9 #35, #45; Emecen, *Taylesanizâde*, 323; Lang, *Georgian Monarchy*, 208–9.

of their battlefield prowess, he noted acidly). The guards would have killed a third man, he claimed, had he not bribed them.³⁰

Some of these convoys were quite large, up to 475 captives, but the steady arrival of smaller groups, from one to fifty in size, suggests that state collection was systematic. Along the way, the prisoners' foreign dress brought them to public attention, and they served as evidence of Ottoman victories. Crowds turned out to watch Ferrières-Sauveboeuf's convoy, while women hurled stones (in the provinces) or insults (in Istanbul). The Kaymakam (the grand vizier's proxy) reviewed this group, while others were exhibited to the sultan, particularly as a celebration of the holiday of Kurban Bayram in 1788.³¹

The convoys' ultimate destination was the Arsenal. The prisoners of war held there were a diverse group—they came from the Russian armies deployed along the shores of the Black Sea, the Habsburg forces in the Balkans, the Russian Black Sea fleet (including the *Maria Magdalena*), and irregular corsair vessels that Catherine commissioned to raid Ottoman commerce in the Mediterranean as privateers. In addition to ethnic Russian, Austrian, or Hungarian infantry and artillerymen, there were Cossack and Kazan Tatar cavalry, French knights, and European mercenaries. Some were even from the Ottoman Empire—Catherine recruited nautically skilled Ottoman Greeks for both the Black Sea fleet and the privateers.³²

Ottoman archival documents, though not comprehensive, note the arrival of over 1,800 Russian and Austrian prisoners from the land battlefronts, and it seems a few hundred more were taken at sea.³³ Tisdale, the highest-ranking captured Russian officer, prepared a meticulous list of 959 Russian prisoners brought to the Arsenal during the war, including 426 sailors, 243 soldiers (including Cossacks), 245 privateers, and 45 others.³⁴ The *Maria Magdalena*'s 396-man crew itself accounted for 93 percent of the sailors, and 41 percent of the total. The low number of soldiers may suggest some were still not taken alive, or handed over. The number of Habsburg prisoners was larger, because of their defeats in 1788; according to Tisdale 1,292 arrived during the war, probably all from land battles.³⁵ Thus in total the Arsenal probably received 2,251 prisoners of war.

Nearly all of these were enemy combatants. Many enslaved noncombatants also found their way to Istanbul, but they would have travelled there on parallel, non-state networks. The population of the Arsenal clearly reflected this. A list Tisdale

³⁰ Ferrières-Sauveboeuf, *Voyages Du Comte*, I:142–4. See also CAS 23394, 49623; and for possible precedents, Imber, *Ottoman Empire*, 121, 125.

³¹ TNA-FO 78/8 #13, #14, #23, 78/14 #19; TNA-FO 78/9 #35; Ferrières-Sauveboeuf, *Voyages Du Comte*, I:145–6; Emecen, *Taylesanizâde*, 258, 287–327, 382; Ahmed Cavid, *Hadika*, 47.

³² TNA-FO 78/8 #11, #15; Pappas, *Russian Military Service*; Vasdravellis, *Klepts*.

³³ BOA-CAS 9653, 13554, 13754, 23983, 23394, 25492, 36128, 38963, 41505, 44192, 51744, 51552; BOA-CHR 1615, 4032, 4049, 8937; BOA-DVE 63/56, 63/72; BOA-HAT 13/453, 22/1047, 24/1189, 123/5031, 123/5049, 123/5059, 133/5494, 178/7841, 181/8287, 183/8451, 182/8350, 189/9054, 189/9088, 207/10933, 1380/54390, 1380/54392, 1380/54429, 1385/54881, 1385/54935, 1391/55466, 1397/56079, 1397/56148, 1451/13; see also AVPRI-SRT 89/8/161 2r; TNA-FO 78/11 #33. As discussed in Chapter 8, a few hundred corsairs taken at sea were executed before reaching the Bagnio.

³⁴ AVPRI-KM 90/1/1055 3r–11v.

³⁵ Tisdale, "Memoirs," 134r. His figures fit the available Ottoman sources.

drew up in October 1788 shows that of the 522 Russian-affiliated prisoners in the Arsenal on that date, only twenty-four were not military men, and these were all sailors from merchant ships seized at the outbreak of war.³⁶ In total, he marked only forty-five of the 959 Russian captives who arrived during the conflict as “not military servicemen.” Of the twenty-seven still alive at war’s end, twenty were Moldavians who had fought alongside Russian forces.³⁷ The other seven, apparently all men, may have also been associated with the army—perhaps wagoneers or peddlers.

Captivity during the 1806–12 Russo–Ottoman war largely followed these patterns. The Porte relied largely on the private forces of powerful notables, but this does not mean those forces ignored central Ottoman policy on captivity. Indeed, prisoners may have taken on an additional meaning: sending them to the camp, and then to Istanbul, proved that commanders were fighting zealously and obediently. Body parts, such as severed heads (usually from those already killed in battle), served a similar role, but they were less important. Even when commanders considered it impracticable to send body parts, or all of their captives, to the center immediately, they noted that prisoners were held in fortresses—still in state custody. On two such occasions, Grand Viziers Yusuf Ziya Pasha and Laz Ahmed Pasha reported that their men had collected few heads (or plunder), because doing so distracted them from fighting the enemy. This echoed Ahmed Vasiḥ’s earlier objections to soldiers’ focus on taking captives. It is noteworthy that both of these reports came from grand viziers themselves; they likely had less need to prove their effectiveness than lower-level commanders would have.³⁸

Russian ships in provincial ports when the war broke were again impounded and their crews imprisoned there. Those taken in wartime were sent to Istanbul, sometimes in chains; captives too ill to move might be killed on the road. Upon arrival in Istanbul, captives were paraded through the streets; at least one group was marched down Divan Yolu, past the sultan’s reviewing stand of Alay Köşkü. Ottoman officers occasionally referred to them as destined “to work in services in the Imperial Arsenal,” but this did not mean their labor itself was any more necessary than before. On occasion, large numbers of prisoners were taken; the Ottomans claimed 250 in the failed Russian storming of Ruse in August 1810, but these were recaptured when the city finally fell the following month.³⁹

There were only 122 inmates in the Arsenal in October 1806, but already by late 1807, 280 Russian soldiers had arrived, in addition to a number of sailors. Over the course of the war, Ottoman archival documents show the dispatch of at least 607 captives to Istanbul. Most of these came after an 1807–08 truce in which the two sides exchanged prisoners.⁴⁰ It may be that, as in the 1768 War, the prospect

³⁶ AVPRI-SRT 89/8/161 2r–12v.

³⁷ AVPRI-KM 90/1/1055 11r–v; Tisdale, “Memoirs,” 125r.

³⁸ BOA-HAT 998/41923, 999/41973, 1008/42344; Aksan, *Ottoman Wars*, 271–2. For similar dynamics when fighting “bandits,” see Esmer, “Economies of Violence”; and for later parallels Mazower, *Balkans*, 147–8.

³⁹ BOA-HAT 149/6265, 1008/42344, 1295/50310; RGVIA-MA 14209-2/163a/78 116r–121r; Yilmazer, *Sâni-zâde*, I:393; Taki, *Tsar and Sultan*, 79.

⁴⁰ BOA-CAS 211, 1894, 7739, 9701, 10005, 10332, 11821, 13887, 14611, 16562, 20712, 23499, 25534, 29814, 35223, 37141; BOA-CBH 5058; BOA-CDH 5372; BOA-CHR 2584, 4460;

of further exchanges spurred the Porte to collect more captured soldiers. Indeed, when the Ottoman peace envoy Galib Efendi sought a few prisoners in the army camp in July 1812, intending to hand them over to the Russians as a goodwill gesture, he found none, as all had been sent to Istanbul. Galib also passed along Russian concerns that captives were being mistreated, concerned—as Ahmed Resmi had been—that Ottomans held in Russia might suffer as a result. He further, in a gesture toward European practices, noted “the protection of prisoners being among the matters to which much attention is paid [and] which are observed and respected between the states.”⁴¹

In both the 1787 and 1806 Wars, some captives were surely killed on the battlefield. But, in keeping with concerns about reciprocity, it seems Ottoman soldiers had a sense that killing prisoners was an abnormal event, requiring special justification. Sometimes this justification was found in the Islamic legal principle that captives could be killed if guarding them put the captors at risk. For example, in a 1787 battle at Kinburn on the northern Black Sea coast, a French engineer attached to the Ottoman forces noted that many Russian prisoners were executed when a Russian counterattack led to fears that they would escape. (He saved one, ostensibly for interrogation, but the man seems to have died of disease in the Arsenal the following spring.)⁴²

Retribution for Russian actions—what European legal scholars would call a reprisal—was another justification for killing. In one battle near Giurgiu during the 1806 War, the chronicler Câbi claimed, the Ottomans took many prisoners, and dispatched them to Ruse in wagons. But then Ottoman commanders, hearing that the Russians had massacred Ottoman captives, did the same to all the prisoners they had taken.⁴³ Whatever the truth of the story, Câbi seems to have believed that killing prisoners required such a justification.

CONDITIONS IN THE ARSENAL

The 1787 War, more than the conflicts before or after it, offers a wealth of sources—Tisdale’s lists, British diplomatic correspondence, and Ottoman registers, receipts, and rescripts—allowing us to peek inside the Arsenal. In Chapter 6 we will see how they asserted their own claims, but here our concern is the basic structure of their detention.

BOA-CML 481, 2309; BOA-DVE 254/76, 254/86; BOA-HAT 106/4195B, 149/6255, 149/6292, 149/6292B, 151/6389, 152/6398, 295/17537, 975/41470A, 982/41632, 982/41636, 992/41895A-B, 999/41938, 99/41964, 999/41973, 1000/42005, 1005/42166, 1006/42201, 1006/42208, 1006/42243, 1007/42255, 1007/42342, 1008/42344, 1295/50310, 1320/51515, 1355/52977; 1358/53306, 1358/53368, 1363/53779; BOA-MADd 3877 p. 61; Shcherbatov, *Paskévitsch*, 30; Mikaberidze, *Russo-Turkish War*, I:50–1.

⁴¹ BOA-HAT 989/41822E, 1001/42027, 1001/42027A.

⁴² AVPRI-SRT 89/8/161 11v; BOA-CAS 36128; TNA-FO 78/8 #26; Aksan, *Ottoman Wars*, 162; Hitzel, “Oczakow,” 646.

⁴³ Beyhan, *Câbi Târihi*, 792.

The Arsenal contained a mosque used by its own officers; Orthodox and Catholic chapels for the captives; a windmill and ovens to produce bread for captives, convicts, and Arsenal workers alike; a fountain; a separate bathhouse for prisoners; and perhaps a market. The Bagnio's spatial organization had once reflected the centrality of prisoners' labor, with separate areas for artisans, rowers, and those too sick to work. Now it was reconfigured. A special area was set aside for prisoners of war, apart from the convicts; though referred to as being for "Muscovites," this space also housed Austrian captives. In the next war, however, prisoners may have been less fortunate, as one Russian officer described soldiers sleeping "pell-mell" with convicts in 1807–08. Officers benefited from special quarters and privileges. Thus different types of prisoners, all able-bodied men, were separated based not on the work they could do, but on the political status assigned to them by military service.⁴⁴

This is not to say that prisoners in the Arsenal did not work—but the types of work they did had changed, and so had their value to the Ottoman state. On the eve of the war, the Arsenal housed 335 convicts and 126 State Slaves (many of them Spanish subjects taken as corsairs).⁴⁵ This seems to have been enough for the few remaining galleys in a fleet now mostly utilizing sails. As we will see in Chapter 6, many captives with technical skills were recruited, or forced, to work on sailing ships or in the land forces—giving them some bargaining power.

Captured enlisted men were fed two loaves of bread per day, and sometimes soup (officers' rations were more generous). Tisdale, beseeching his government for aid in October 1788, lamented the rations' insufficiency. However, on paper, these had been the traditional rations for all State Slaves, convicts, and many Arsenal employees (who may have also had outside income), since at least the early eighteenth century. The prisoners also received an annual clothing allowance, though this was not always paid on time. Captives could also buy other provisions with cash—provided to officers by the Porte (belatedly and insufficiently), sent by their governments, or earned through labor. Such provisions included alcohol, which was rarely in short supply. Tisdale punished several prisoners for "Drunkenness and Impertinence," and at least one died from heavy drinking. Correspondence was officially forbidden, on pain of death, but it was nonetheless common to send and receive letters, including from Tisdale to his wife, and on occasion to the Russian government.⁴⁶

At first, all prisoners except officers were kept in "heavy irons on one leg, and links of chain up to their waist," which could be removed when they were serving aboard ships or working outside the prison.⁴⁷ The captives were relieved of these irons at some point in the first nine months of the war, but they were occasionally

⁴⁴ BOA-CBH 5171; BOA-CEV 7129; BOA-HAT 207/10933, 1386/56224, 1409/57193; Tisdale, "Memoirs," 113r–v; Shcherbatov, *Paskévitsch*, 30–1; Rozalion-Soshal'skii, *Zapiski Russkogo Ofitsera*, 56; Panzac, *Marine Ottomane*, 59; Bostan, *Bahriye Teşkilân*, 32.

⁴⁵ BOA-DBŞM 5481; Tabakoğlu, *Osmanlı-İspanya İlişkileri*, 44.

⁴⁶ AVPRI-SRT 89/9/161 1r–v; BOA-CBH 6923, 7419; BOA-CHR 1633; BOA-DBŞMd 2430; Tisdale, "Memoirs," 108v, 124r–125r, 127v.

⁴⁷ Tisdale, 108r, 123v, 149r. See also AVPRI-SRT 89/8/161 1r–v; BOA-HAT 184/8597, 198/10006; TNA-FO 78/9 #12.

and partially reintroduced after escape attempts or other misbehavior. Those still wearing chains when the war ended removed them, without retaliation, and sold the metal to buy brandy. Chains returned in the 1806 War.⁴⁸

A devastating epidemic of “plague” ravaged the Arsenal over the winter of 1787–88, killing about 150 men. The *Maria Magdalena*’s surgeon futilely attempted to inoculate himself against the plague—drawing on the example of smallpox—but lost his own life in the process, and helped the disease to spread. That first season was by far the worst, but dozens more succumbed to disease over the following years, while others were lost along with the Ottoman ships they served on—sometimes in battle. Tisdale ultimately listed 373 Russian prisoners as having died in the Arsenal or at sea by April 1792. This accounted for 39 percent of all who arrived during the war. Austrian captives may have suffered worse, as Tisdale believed 714 out of 578 (45 percent) perished from the same causes.⁴⁹

This was a horrendously high death rate by any objective standard. Yet it does not stand out quite so much when compared to contemporary military life. Even in peacetime, nineteenth-century Russian armies lost about 3.7 percent of their men to disease annually, and this rose to 6.7–9.5 percent in conflict zones (equating to 25–33 percent over four years).⁵⁰ Ottoman naval vessels were also often racked by disease, just as the Arsenal was.⁵¹ The sixty-six-gun ship *Melek-i Bahrî* left Istanbul in 1790 with 650 men on board, and lost ninety to disease before it surrendered to the Russian fleet in September—losses of almost 14 percent in just a few months.⁵² In Europe during the Seven Years’ War, the death rate for prisoners held by the British aboard moored ships could reach 25 percent per year (which if sustained would work out to 68 percent over four years). However, during the Napoleonic Wars the figure fell to 2–4 percent per year (8–15 percent over four years) and lower still when the British moved captives from ships to dedicated camps.⁵³

As meager as the prisoners’ rations were, and as much as disease shrank their numbers, feeding them still presented a logistical challenge for the Ottoman state. Far from seeing captives as a windfall of much-needed labor, as they might have a century earlier, officials now discussed “the prisoner trouble.”⁵⁴ The Arsenal was soon overcrowded; Ainslie claimed 900 captives by the end of October 1787. The real figure was probably closer to 600 or 700, which would still have been five times the prewar population of State Slaves. The grain normally delivered to the Bagnio mill from state warehouses was insufficient, and by 1790, one quarter of the Arsenal’s entire operating budget was spent on buying bread to make up the difference.⁵⁵

⁴⁸ Shcherbatov, *Paskévitch*, 30–1.

⁴⁹ AVPRI-SRT 89/8/161 1r–v; AVPRI-KM 90/1/1055 13r; TNA-FO 78/8 #28, 78/9 #1, #3, #21, #46, 78/10 #23, #24, #34; Tisdale, “Memoirs,” 110v–111r, 127v, 134r, 142r.

⁵⁰ Şimşek, “Little Mehmeds,” 285. ⁵¹ TNA-FO 78/9 #36.

⁵² Bocharov, *Admiral Ushakov*, 90.

⁵³ Gillespie, *Laws of War*, 149; Neff, “Nineteenth Century,” 62.

⁵⁴ BOA-CBH 1632. A European parallel is in Wilson, “Prisoners,” 54.

⁵⁵ BOA-HAT 199/10057, 214/11682; TNA-FO 78/8 #25.

Moreover, extra guards were needed, especially after an escape in the summer of 1789. Officials hired these guards only temporarily, “until the prisoner trouble is out of the way.” Their services would eventually become superfluous, “because these prisoners will not stay perpetually,” but only until “the time of their return.”⁵⁶

Until then, one way to ease the “prisoner trouble” was to move captives out of the Arsenal. Beginning in October 1787, the Porte dispatched some to Ottoman fortresses and islands—fifty and twenty-five, respectively, to the Mediterranean islands of Rhodes and Lemnos, and fifteen to twenty each to the Dardanelles fortresses of Seddülbahir, Kum Kale, Kilidülbahir, and Çanakkale. They returned by late February 1788. Habsburg captives were also sent to these fortresses, and some remained there until near the end of the war. Other captives were detained at Vidin on the Danube. Ottoman orders provided for their rations—for example, from the customs revenues collected at Çanakkale—but gave no instructions for any work they were to do.⁵⁷ They were sent for safekeeping, not for labor.

PRIVATE ENSLAVEMENT

These were the structures of the prisoner-of-war system for those in state custody. But as Mehmed implied when he warned the *Maria Magdalena*’s crew that “the soldiers on the shores will kill us all,” captivity was much less certain beyond the corridors of imperial power connecting the capital city, the army, the fleet, and important fortresses. This was, after all, an empire in the midst of a crisis tied largely to the Porte’s simultaneous need for, and inability to control, military forces. As in other areas of Ottoman governance, the state could only offer incentives to achieve limited goals. Enslavement remained legal, not only for civilians but, occasionally, for combatants as well.

One way for the state to collect captives was to pay. However, since rewards were often the same for living captives as for severed heads, they were probably more effective at gathering those who had already been captured than at incentivizing soldiers to take prisoners in the first place. The French engineer mentioned above, who fought alongside Ottoman forces in the 1787 War, observed that in the opening moments of one battle, seven or eight Russian heads were thrown at an Ottoman officer’s feet.⁵⁸ Commanders’ payments varied widely, as did their likely intentions. A few soldiers sent to take prisoners for intelligence in May 1790 were promised 150 piasters. By contrast, the janissary who captured naval Captain Second Rank Andrei Verevkin near Ochakov was given 1,000 gold pieces.⁵⁹ This was surely a higher

⁵⁶ BOA-CBH 1632.

⁵⁷ BOA-CAS 3917, 51744; BOA-CHR 232, 1605, 2955, 3349, 4468; BOA-CZB 3820; BOA-HAT 123/5099, 1383/54703; TNA-FO 78/8 #25; Tisdale, “Memoirs,” 110v, 111v.

⁵⁸ Hitzel, “Oczakow,” 646.

⁵⁹ BOA-AMD 19/42; TNA-FO 78/8 #27; Lopatin, *Lichmaia Perepiska*, 795 n. 2. See also BOA-HAT 6204; BOA-CAS 9812; BOA-HAT 978/41553.

payment than for a severed head, and probably represented more than a reward—it was an attempt to outbid the slave market for such a prominent captive.

Nevertheless, the Porte tolerated, or even recognized, a limited amount of private enslavement of enemy combatants. After one battle on the northern shore of the Black Sea in August 1788, Ainslie heard that two Russian prisoners had died of their wounds, two others had been sent directly to Istanbul, and “all the rest, not accounted private property” were dispatched to the main army camp. It remains unclear how this “accounting” functioned (and Ainslie’s wording could also mean that *none* of “the rest” were private property).⁶⁰ A naval expedition was explicitly authorized to keep its captives, but this seems exceptional.⁶¹ Likewise, in an 1811 battle near Ruse, Grand Vizier Laz Ahmed Pasha noted that, apparently as an exception, he had left some captives to their captors, beyond the fifteen he sent to the sultan (with 132 pairs of ears) and the two who had converted to Islam.⁶² Most of these prisoners had been taken in small skirmishes in outlying areas. This suggests the state collected captives outside the army camp, but also, perhaps, that Ottoman soldiers did not go out of their way to take prisoners in large-scale battles.

Stories of privately enslaved combatants were usually documented in the records of one state or another only after they were released, or escaped. Some were ransomed during the 1787 War, like an Austrian lieutenant whom the French envoy Choiseul-Gouffier redeemed in 1789. More often, they recognized that the peace treaty required their liberation, and fled to the Russian mission in Istanbul. The experience of Russian Fleet Lieutenant Pyotr Kostarev is illustrative. Captured aboard the same floating battery as Captain Verevkin in late 1787, he was taken to Hocabey; after being sold six times, he was enslaved in a small town near Istanbul. But in May 1792, after the Treaty of Jassy, he found his way to the Russian mission in Istanbul “in Turkish dress.” A month earlier, a musician likewise presented himself. He admitted having deserted his regiment the previous year, intending to join a different unit. But he had been attacked by Moldavian peasants who wounded him, took him to Ibrail/Brăila, and sold him to some “Turks.” He too escaped after hearing of the treaty.⁶³

Such enslavement, however, seems to have been less common, and on a smaller scale, than before. Not only did the state seek to seize such captives, they were also less valuable. Without galleys to row, unskilled male captives could be employed only in menial labor.⁶⁴ The irregular Ottoman forces of the time may have also lacked the connections necessary to ransom captives—70 percent of those in the 1768 War were raw recruits, often originating far from the battlefields.⁶⁵ Nevertheless, we must remember that Ottoman forces still enslaved thousands of civilians, mostly women and children, when they invaded the Habsburg Banat in 1788. They may have simply killed noncombatant men, whom the state did not collect and whom they could not sell so easily.

⁶⁰ TNA-FO 78/9 #31.

⁶¹ BOA-CBH 9244.

⁶² BOA-HAT 998/41923.

⁶³ AVPRI-KM 90/1/1055 21r, 25r; Tisdale, “Memoirs,” 158r; Pingaud, *Choiseul-Gouffier*, 203.

⁶⁴ See Sandwith, *Siege of Kars*, 148.

⁶⁵ Aksan, *Ottoman Wars*, 144.

THE FRINGES OF THE IMPERIAL NETWORK

Even as private enslavement of enemy combatants remained possible on a small scale, practices of captivity also differed away from the networks of central state power—at least, until captives came directly into contact with those networks. Consider two particular anecdotes, one from the fortress city of Anapa and the other from the province of Bosnia.

In the spring of 1790, Ottoman forces under the command of Battal Hüseyin Pasha repelled a Russian attack on Anapa, on the northeastern Black Sea coast. They were a mixed group: a report presented to Sultan Selim III distinguished between “Ottoman,” “local,” and “tribal” soldiers. These forces approached captives differently. Hüseyin himself sent twenty prisoners to the sultan, along with 200 heads and 100 ears. Although he soon rebelled against Selim, at this moment he was tied to the networks of the central state, and sent captives as one would expect. (Indeed, his case shows that positions in these networks were not fixed, but could shift over time.)⁶⁶

However, Russians who fell into the hands of the tribal forces—Circassians, Nogays, and Abazas—were more likely sold to private slaveowners. That was the fate of Afanasy Livanov, of the Astrakhan Regiment, captured by Circassians in this campaign and sold in Samsun. He, like other Russian captives, escaped in April 1792 after hearing of the Treaty of Jassy, and somehow made his way to the Russian mission in Pera.⁶⁷ Seven Russian soldiers and five Cossacks were luckier: soon after their capture, while aboard three small ships bound “from Anapa for sale in Constantinople” along with fourteen Circassian slaves, they were intercepted and freed by the Russian fleet.⁶⁸ Others remained in captivity longer, prompting an expansion of the Law of Release beyond the military routes of Anatolia and Rumelia. After the war, Russian diplomats demanded, and the Porte sent, specific orders to Sukhumi and Batumi for the release of captives. Little seems to have come of this, so in September 1803, the Russians renewed their requests, having received new information about slaves in Anapa, Sukhumi, Kastamonu, Sinop, and nearby areas.⁶⁹

While the Ottoman government did not keep the tribes from selling most captives taken around Anapa, some were saved by local customs. In September, the Tatar leader Mehmed Giray Sultan sent two officers, Nikolai Nikitin and Aleksandr Vasil’ich, to Istanbul. “Because selling these noblemen like the other captives is not customary,” he claimed, he sent them in hope of a reward from the sultan. The messenger, Şomukzâde Özdemiş Bey, was given 500 piasters, while the officers were sent to the Arsenal.⁷⁰ It is tempting to speculate that a century before, such well-connected

⁶⁶ BOA-HAT 1392/55537; TNA-FO 78/11 #11; Ahmed Cavid, *Müntehabât*, 645; Ahmed Cavid, *Hadika*, 19; Şahin, “Caniklizâdes,” 64–7; and for such notables see generally Yayıcioğlu, *Partners of the Empire*.

⁶⁷ AVPRI-KM 90/1/1055 61r.

⁶⁸ Bocharov, *Admiral Ushakov*, 72.

⁶⁹ BOA-DVED 86/4 #681, 88/6 #826-828; BOA-İEHR 1854.

⁷⁰ BOA-CHR 1615, 1822; BOA-HAT 189/2008, 189/9051; Ahmed Cavid, *Müntehabât*, 658; Ahmed Cavid, *Hadika*, 104.

prisoners would have been ransomed rather than sent to the center. Now, the pull of the Ottoman prisoner-of-war system brought them into the Arsenal.

Similar factors were also at work in Bosnia, at the opposite end of the Ottoman “northern defensive line.” Here, through the late eighteenth century, “[t]he old traditions of the Ottoman border, one suspects, never really died out.”⁷¹ Indeed, the customary law of the border zone seems to have lived on for captives. No source records any captives from the Bosnian front arriving in the capital, despite Ottoman successes in 1788. Ainslie explained after news of a victory at Banjaluka that “as to Prisoners very few arrive here, being accounted the property of their Captors, and either sold or kept in hopes of a Ransom.”⁷²

Like Anapa, Bosnia was defended largely by local forces, whose members lived in the area. They engaged in frequent raids against their Habsburg counterparts, irregulars known as *Grenzers*—with whom they had linguistic and cultural ties. These connections made ransom and exchange easy, and the fact that the militias fought close to home likely also facilitated the slave trade. Thus, when the Porte sent a courier to Bosnia at the end of the war to release captives, several local authorities reported that they had already been exchanged.⁷³

However, such exchanges were challenged as both the Austrian and Ottoman central states took greater control over captives. This is demonstrated by the fate of Kapudan Ömer, commander of a Bosnian unit defending the border fortress of Dubice/Dubica.⁷⁴ In August 1788 the fortress fell to an Austrian corps composed of *Grenzer* regiments, who were in the midst of major reforms, and now operated administratively “for the first time as a separate army corps.”⁷⁵ Ömer, despite what was described as heroic resistance, fell into Habsburg hands. A century earlier, he would likely have been ransomed, or exchanged locally. But when a group of Bosnians raised this question with the Austrians, the latter said they would exchange Ömer only for an officer named “İstanik.” The Austrian response made clear that they did not desire any other deal.

This presented a problem for the Bosnians: they did not have İstanik. He had been captured at the battle of Karánsebes, and like about 100 other soldiers taken there, he was in state hands.⁷⁶ İstanik was now held in the Arsenal. Therefore, “the people of Bosnia” petitioned Selim to send İstanik to the Austrians in exchange for Ömer. The Council suggested that İstanik be sent to the Governor of Bosnia, to be detained until it was confirmed that Ömer had been released. Selim, perhaps concerned to maintain his own control over political commodities like captured officers, demurred, pending further information. It is unclear whether this exchange was ever made.

Ömer’s compatriots were probably accustomed to exchanging or ransoming captives with their Habsburg counterparts. But now that the *Grenzers* operated as

⁷¹ Heywood, “Bosnia,” 38. ⁷² TNA-FO 78/9 #12.

⁷³ BOA-CHR 352; Hickok, *Military Administration*; Rothenberg, *Military Border*, 70–1, 84; Bracewell, “Ritual Brotherhood”; Norton, “Lutheran,” 69–70.

⁷⁴ BOA-HAT 179/8099.

⁷⁵ Rothenberg, *Military Border*, 64–8, 72–3; see also Mayer, “Austria’s Security (I),” 278.

⁷⁶ For the battle see Emecen, *Taylesanizâde*, 308–9; Bayram, “Enverî Târîhi,” 472.

a regular military force, *their* prisoners were likely under central control. Thus the Austrian side of this exchange was not handled by local leaders with cross-border ties, but instead by professional commanders of the imperial army. These officers, when presented with the opportunity for exchange, did not request a ransom, or a local notable captured by the Bosnians, but a fellow imperial officer. In essence, the Bosnians found themselves trying to negotiate an exchange in what was no longer a local market, but one that reached all along the borders. This forced them to turn to the Porte. Even outside the main corridors of Ottoman power, the effects of new, centralized systems of captivity were being felt.⁷⁷

This benefited some captives even more directly. Like Hüseyin at Anapa, Ottoman officials and forces at the edges of the imperial network increasingly felt obligated to send captured Russian combatants to the center. In 1790, for example, a Russian soldier arrived in the Arsenal who had been enslaved a decade before, in Crimea, before Catherine annexed the peninsula. After being sold to a man on the Anatolian coast, and then changing hands six more times, he had run away. He was captured and brought before the district governor, who debated executing him, “[b]ut at last thought Proper to send him to the Bagnio.”⁷⁸ The following year, likewise, a group of Zaporozhian Cossacks (loyal to the Ottomans) captured six Russian sailors on the banks of the River Dniester. They sent all six to the army, where three remained to recover from wounds, while the rest went on to Istanbul.⁷⁹ This continued during the next war. When a Russian corvette, the *Flora*, was wrecked on the Albanian coast in 1807, local residents enslaved the crew. Requests for help from Ottoman officials were unsuccessful at first, but eventually the local governor, İbrahim Pasha, sent 500 soldiers to take custody of them. According to two of the officers, conditions were better (though not good) in Istanbul—after they had endured a typically grueling convoy across the Balkans.⁸⁰

FOREIGN DEBATES

Istanbul was also home to many foreign ambassadors, most of them residing in the district of Pera, not far from the Arsenal’s location in Kasımpaşa. When the *Maria Magdalena* arrived in 1787 the captivity of its nearly 400 crewmen, and its English captain, attracted the diplomats’ attention—and they recognized what they saw. The captives, many thought, were “prisoners of war” in the same sense the term was used in western Europe.

This was a term that implied more in the late eighteenth century than it might have earlier. European legal scholars now focused their attention less on when states could go to war (*jus ad bellum*) but on what states could do *within* war (*jus in bello*). In doing so, many advocated better treatment for captives. Vattel influentially

⁷⁷ It is not clear that the Porte was making a systematic effort to bring ransoming under state control, as the Russians had earlier on the steppes. Compare to Boeck, *Imperial Boundaries*, 142.

⁷⁸ Tisdale, “Memoirs,” 124r.

⁷⁹ BOA-HAT 1391/55466; Tisdale, 137r–v.

⁸⁰ BOA-HAT 149/6255, 149/6292, 149/6292B; Taki, *Tsar and Sultan*, 77–87.

argued that “[t]he European nations, who are ever to be commended for their care in alleviating the evils of war, have, with regard to prisoners, introduced humane and salutary customs.”⁸¹

European armies, meanwhile, had largely stopped ransoming captives, instead detaining them, during wartime, until they could be exchanged through “cartel” agreements or released on parole. They also likely took more prisoners, for several reasons. As armies increasingly relied on infantry marching in close order, maneuvering into different formations, and firing in volleys, it became riskier for soldiers to break ranks and seize captives—and also perhaps detrimental to discipline if they sought to hold and ransom them. More broadly, such warfare inculcated what John Lynn has called a culture of “forebearance,” restraining soldiers’ passions. Moreover, the fear of reprisals may have overcome animosities that remained after the early modern wars of religion. As a result, the level of violence against captives may have fallen. Christian civilians, in theory, were not to be captured or targeted. All of this was true, however, only in regular wars within Europe. Violence against non-Europeans was less constrained, even if their sovereignty was recognized, and Europeans continued to seize and traffic immense numbers of enslaved Africans throughout the eighteenth century. In the American War of Independence, even some prisoners of war were sold into indentured servitude. Rebels were also subject to more brutality, and some argue that combat became fiercer in the revolutionary wars at the end of the century.⁸²

Against this backdrop, ambassadors recognized captured combatants in Ottoman state custody as “prisoners of war.” The British envoy Ainslie, at the outbreak of the 1787 War, distinguished them from galley slaves, or private slaves. Russians held in the Arsenal, he told his superiors in London, were “not to be employed in the publick works, as was affectedly given out here but to be detained as Prisoners of War.”⁸³ This was, of course, an exaggeration; prisoners were still required to work, though this was not the reason for keeping them.

With the recognition that Ottomans’ captives were in a similar position to their own, European ambassadors could then turn to discussing whether their *treatment* was appropriate. Few had framed captives’ enslavement in households or on galleys during previous conflicts as a conflict with the Law of Nations, or with general European practice. Perhaps this was because Ottoman captivity was simply *too* different—enslavement and hard labor were seen as inherent and inevitable in Ottoman hands, fundamentally differing from European practices.

Now that came into question. The French envoy Choiseul-Gouffier sent money, clothes, doctors, translators, and chaplains to the prisoners, objected to them being made to work. He urged (Ainslie said) “the greatest tenderness, and attention to the unfortunate Prisoners of War detained in the Bagnio Prison, as being consistent with the practice of all the other European Powers, and with the honour of the

⁸¹ Vattel, *Law of Nations*, III/1 §153; see also Whitman, *Verdict of Battle*; Witt, *Lincoln’s Code*, 18; Bell, *First Total War*, 50–1.

⁸² Krebs, *Merciful Enemy*, 87, 89–90; Bell, *First Total War*; Lynn, *Battle*, 128–9, 155; Newton, “West African Settlements”; Wilson, “Prisoners,” 42, 46, 53; Parker, “Early Modern Europe,” 55.

⁸³ TNA-FO 78/8 #25.

Porte.” Ainslie defensively claimed that he and other ambassadors had made similar appeals. Kapudan Pasha Gazi Hasan responded that the prisoners “always had the same provision as Turk Seamen, deprived only of liberty.”⁸⁴ Tisdale likewise heard that Choiseul-Gouffier had been “very well assured that Her Majesty’s [Catherine’s] Subjects were much better used, and with more Humanity in the Turks service, than they were in their own, the Russian Service.”⁸⁵ This almost precisely echoed the earlier British envoy Everard Fawkener’s claim, four decades before, that Russians enslaved in Ottoman households were “certainly much better when they fall into such Hands than in their own Country.”⁸⁶ Ainslie seemed to accept Hasan’s reassurance; it is less clear if Choiseul-Gouffier did. (This same discussion also raised the question of how the Ottomans viewed the European Law of Nations, a question we will consider in the next two chapters.)

Through the early nineteenth century Europeans continued to recognize, and to some degree accept, the conditions of Ottoman prisoners-of-war. There was still no single consensus view of Ottoman captivity. In the 1806 War, when Russian captives asked the French Ambassador, Horace François Bastien Sébastiani, to intercede with the Porte to remove their chains, Sébastiani refused—because France and Russia were at war. When that war ended, he apparently persuaded the Porte to release two captives.⁸⁷

These diplomatic discussions were part of a larger European debate over captivity, and Ottoman warfare more generally, that emerged around the turn of the nineteenth century. As Kahraman Şakul shows, a famous memoir by the French diplomat François Pouqueville, who was imprisoned during the Franco-Ottoman conflict at the turn of the nineteenth century, fueled this debate with its starkly negative (and not entirely accurate) view of Ottoman captivity. European writers were relatively unanimous in condemning the Ottoman practice of beheading dead enemies (and sometimes prisoners, they argued).⁸⁸ Russian officers joined in, even as European observers accused them of their own abuses against Prussian, Polish, and later French prisoners. For eighteenth-century Russian elites, who increasingly saw themselves as sharing in the culture of Enlightenment Europe, discussions of Ottoman brutality to captives, especially beheadings of prisoners or corpses, helped construct Orientalized images of the “barbaric Turk”—even as Russian officers became uncomfortable about their own soldiers’ behavior while fighting the Ottomans.⁸⁹

⁸⁴ TNA-FO 78/10 #4. See also AVPRI-SRT 89/9/161 1r–v; TNA-FO 78/13 #5; Pingaud, *Choiseul-Gouffier*, 202–3.

⁸⁵ Tisdale, “Memoirs,” 112r, 120v. ⁸⁶ TNA-SP 97/31 (2 Aug. 1740).

⁸⁷ Taki, *Tsar and Sultan*, 87; see also BOA-HAT 1006/42201; Rozalion-Sosha’skii, *Zapiski Russkogo Ofitsera*, 54; Shcherbatov, *Paskévitsch*, 30–1. This may parallel European views of the Ottomans more generally, for which see Çirakman, *European Images*.

⁸⁸ Şakul, “Pouqueville’s Frenchmen.” See also Valentini, *Reflections on Turkey*, 56–8; Thornton, *State of Turkey*, 288–9; Eton, *Turkish Empire*, 80–1; Ferrières-Sauveboeuf, *Voyages Du Comte*.

⁸⁹ Taki, “Horrors of War,” 268, 275–9; Taki, *Tsar and Sultan*, 108–11; Şakul, “Pouqueville’s Frenchmen,” 170–1; see also Gillespie, *Laws of War*, 136, 143, 148, 161; Rothenberg, “Age of Napoleon,” 91; Taki, “Orientalism.”

European recognition of Ottoman detention as a parallel prisoner-of-war system framed approaches over the coming decades. Only now, after “Ottoman prisoners of war” (rather than simply State Slaves, private slaves, or captives for ransom) became a recognized subject, could European (and Russian) observers say things *about* that subject—for example, debating whether the particulars of their treatment were acceptable. Europeans could critique, or defend, Ottoman practices in terms of reciprocity, of the Law of Nations, of humanitarianism, or later of treaty law—but all of this was only possible now that they recognized the basic structures of Ottoman captivity as familiar.

Achieving such recognition, however, was not the Porte’s goal. The prisoner-of-war system emerged in the context of rivalry with Russia, to serve particular state interests—among them, responding to the incentives created by the Law of Release. But it also illustrates the limits of Ottoman state power: the system reached only as far as central state networks did. Moreover, keeping combatants in state hands while allowing noncombatants to be sold may have been a compromise between postwar diplomatic imperatives and the necessity of Ottoman military organization. This was the system to which the *Maria Magdalena*’s crew surrendered—and within which some attempted to negotiate their own fates, as we will see.

6

Negotiating the Prisoner-of-War System

The crew of the *Maria Magdalena* did not want to be in the Arsenal. Over the course of the 1787 War, many of them sought to leave it, or to improve their situation within it, using any means at their disposal. This meant working with, around, or against the Ottoman state—a series of negotiations that are well documented in the prolific rescripts of Sultan Selim III, whose rule began partway through the war. Selim is well known in Ottoman history as a military and fiscal reformer, who took a personal role in many matters and was almost obsessed with “ordering” the state and society.¹ He certainly appears in that role here, but he acted within, and extended, the framework of Russo-Ottoman law. Captives’ negotiations revealed, and even defined, the boundaries and the underlying principles of the prisoner-of-war system, just as they did for the Law of Release. Indeed, many of the principles were the same. Here as with the Law of Release, it was only state intervention in captivity—whether to free captives or to take them into its hands—that required it to grapple with the details of their political and legal status.

This chapter charts several of the claims and types of status that did—and did not—help captives win release or better conditions, primarily in the 1787 War but also in the 1768 and 1806 Wars. These included officers’ privileges; claims under the European Law of Nations; work in or out of the Arsenal; religion (both converts and Muslims by birth); a labor strike; and the complexities of release at war’s end. In the end, what proved most important were Ottoman interests and traditions. Claims drawing on the Law of Nations were unavailing, but captives could appeal to legal traditions the Porte did recognize, or to the Porte’s own interests. Even escape attempts, which blatantly defied the Ottoman state, illustrate the legal ideas held by Ottoman officials and applied to captives.

THE PRIVILEGES OF RANK

Officers like the *Maria Magdalena*’s Captain Tisdale were a small and privileged elite in European-style armies, whose enlisted men were often conscripted. Officers and nobles had long fared differently than other captives, because they could command higher ransoms or serve as political pawns. Now, officers were held alongside other captives, but treated better *because* they were officers (regardless of nobility).

¹ See Başaran, *Social Control*; Aksan, *Ottoman Wars*; Shaw, *Old and New*.

Some lived in separate rooms in the Arsenal, or even in houses outside it. Toward the end of the 1787 War, several were moved to the Seven Towers. Later, possibly in response to suggestions from French Ambassador Choiseul-Gouffier, the Ottomans built further rooms for officers, fitted with beds, a stone hearth, and windows. At least one officer, Colonel Ivan Trubetskoi, preferred such a room even when offered a place in the Seven Towers. Officers were much less likely to be put in chains than enlisted men, and often did not have to work.²

The Ottoman state also paid monthly allowances to officers, initially fifteen piasters per month for captains and majors—about equal to the average monthly wage for an Istanbul day laborer, who also had to pay for bread and housing. However, according to Tisdale, these were insufficient and paid very late. Captives spent this money on goods, and occasionally on bribes for their guards. When they needed more funds than the Ottoman state provided, officers' governments (and Tisdale's wife) provided it via intermediaries like Father Gardinie, the priest of the Bagnio's Catholic chapel; a banker named Baron Hübsch; and the French envoy, Choiseul-Gouffier. Officers also found creditors outside the Arsenal willing to loan them money, and by the end of the war many had incurred significant debts. The Russian officers' resources were sufficient to throw "a Grand Entertainment of Dinner, Supper, and a Ball" for the Habsburg officers on Catherine the Great's name day in 1788. But they were not always on such happy terms; Tisdale's memoir records frequent quarrels in great detail.³

Officers also felt entitled to bargain with the Ottoman state for better treatment, and they were often successful. In July 1790, the Austrian officers requested an increase in their allotments, which was partially granted—giving them up to thirty-five piasters per month for captains and majors, and fifteen for subalterns and servants. The following year, Russian officers made a similar demand when they were moved to the Seven Towers following the Russo–Ottoman truce. They repeatedly protested to the fortress's commandant, and then began sending letters to the Reis Efendi in Italian, Greek, and Russian. They demanded an increase in their total allowance to 885 piasters per month, insisting that "if there is a deficiency in our monthly allowance, we will not take it. We will not take a monthly allowance of [only] 300 or 500 piasters [total]." "We were not Criminals," Tisdale argued, "[b]ut Prisoners and Subjects of Her Imperial Majesty Catharine the Second," and they would not "suffer Our Selves to be Treated with Indignity, or less Respect, than the Imperial [Habsburg] Officers had been." The Russians also appealed to custom, invoking the "Liberality to Prisoners [during] the last War of Sultan Mustafa." Selim was reluctant to comply, but he worried that his enemies might mistreat Ottoman captives if he did not. The disputes dragged on through the autumn of 1791, and ultimately Selim compromised, granting a total allowance of 664 piasters per month, as well as a one-time grant of 2,000 piasters. While this

² BOA-CHR 6341; BOA-HAT 1397/56106, 1398/56215; TNA-FO 78/10 #22; Tisdale, "Memoirs," 109r, 130v; Shcherbatov, *Paskévitsch*, 30–1.

³ AVPRI-KM 90/1/1055 14r, 24r–v, 28r–46v; BOA-CHR 9272; BOA-AESSLMIII 325/18880; Tisdale, "Memoirs," 113r–v, 117v; Pamuk, *Fiyatlar*, 192–7. In the previous war the Prussian ambassador provided loans: AVPRI-KM 90/1/616 #14.

incident demonstrates the assertiveness of imprisoned officers, it also hints at how Ottoman concerns over reciprocity could lead them to improve captives' treatment.⁴

THE LAW OF NATIONS

Some officers sought to draw on another privilege: knowledge of the scholarly treatises and customary practices of the Law of Nations. Yet claims that the Porte should or must take a given action based on those rules had little traction—other legal principles were more influential. The failed claims of several European officers and diplomats illustrate this.

One anonymous Habsburg officer, captured while serving in the Russian military (perhaps aboard the *Maria Magdalena*), led the way in late 1787. Austria had not yet joined the war, and its dragoman disowned the man, claiming he was probably a Hungarian refugee. But this captive himself invoked the European tradition of parole: he promised that if released, he would not fight the Ottomans again. Sultan Abdülhamid denied the request, judging the officer's words "not without deceit."⁵

A few months later, the French Ambassador Choiseul-Gouffier made a similar proposal on behalf of another prisoner. Lieutenant Julian Lombard/Juliano de Lombard, whose trials and tribulations we will trace further in this chapter and the next, was French by birth, and a member of the Knights of Malta. He served in the Russian navy until being captured at Ochakov on the north shore of the Black Sea in late 1787. He may have initially been sold into private hands, but the state then took custody of him. From the moment of his arrival in Istanbul, he schemed to win release, at one point even flamboyantly wearing "a black armband with a strip of gilt paper underneath it saying in black ink 'death or liberty'" in Russian.⁶ He had powerful helpers, including Catherine's favorite Grigory Potemkin, and Choiseul Gouffier. The latter offered the Porte an immense bail of 100,000 *livres* as surety for Lombard's release on parole. But this was unsuccessful.⁷

The Habsburg government similarly failed in larger-scale requests to regulate captivity through the Law of Nations. In July 1788, just six months after entering the war, the British envoy Ainslie reported that a Habsburg emissary had come to Belgrade, protesting that captives taken by the Ottomans—probably meaning civilians in the Banat of Temeşvar/Timişoara, who were enslaved in large numbers—"being private property," were "sold and dispersed to every part of the Ottoman Territories." Again, in January 1789, Ainslie described Habsburg attempts to improve captives' treatment and end "the sale of Austrian Subjects taken by the Porte to an astonishing number." This effort, like their earlier protests, apparently

⁴ BOA-AESSLMIII 369/21076; BOA-CHR 1459, 1633, 2496, 4696, 8879, 9272; BOA-HAT 194/9638, 1387/55136, 1407/57005, 1407/56983, 1409/57184; AVPRI-KM 90/1/1055 24r-v; Tisdale, "Memoirs," 150r-155r.

⁵ TSMaE 538/5. ⁶ Tisdale, "Memoirs," 123r-v.

⁷ TNA-FO 78/9 #1; AVPRI-SRT 89/8/161 10r; Tisdale, 111r; Ferrières-Sauveboeuf, *Voyages Du Comte*, II:245; Anderson, *Naval Wars*, 320-1; Pingaud, *Choiseul-Gouffier*, 204.

fell on deaf ears. So did a joint Austrian-French effort, in the spring and summer of 1789, to arrange “a general Cartel,” or exchange.⁸

At about the same time, in the spring of 1788 and again in 1789, Tisdale objected to Ottoman plans to make the captives serve aboard naval vessels. There is no indication of any prisoners objecting to this before, perhaps because they assumed that hard labor was simply the fate of Ottoman slaves. But now Tisdale, like other European observers, recognized Ottoman captivity as similar to the prisoner-of-war systems of Europe. This gave him grounds to demand the Porte conform to other European practices. “Very unnatural such proceedings by the Turks, to oblige their Prisoners to Act against their Native Country,” he contended, protesting “such Ungenerous, such Unjust proceedings so directly contrary to the Laws of all European Powers.”⁹ Tisdale exaggerated a bit: captives in European wars, especially mercenaries, sometimes enlisted in their captors’ forces (particularly if ransoms were not paid), though this was waning by the late eighteenth century.¹⁰

When Choiseul-Gouffier raised this issue with the Porte on Tisdale’s behalf, he received assurances that captives were treated as well as Ottoman sailors (as discussed in the last chapter). Moreover, he told Tisdale, employment on ships was “an Ancient Custom of their Ancestors, which they cannot readily be weaned from,” especially because “the Turks look upon the Persons Captured by them, not as Prisoners, But as their Slaves.” In Islamic legal terms, this claim was correct. And by rejecting the term “prisoner” in this instance, the Porte avoided arguments based on the Law of Nations. Yet as we have seen, the captives were in fact treated as prisoners, differently than slaves long had been. Indeed, at war’s end, Arsenal officials told Tisdale in late 1791 that with the coming of peace, they had “particular Orders to Treat them Well in every Respect, as Prisoners of War, and not as Slaves, by sending them Daily to Work.”¹¹

Tisdale, Choiseul-Gouffier, and Lombard all had origins in western Europe. Native Russian officers do not seem to have been as quick to invoke the Law of Nations, perhaps because of their state’s longer history of conflict with the Porte. The Austrian state was in a more ambiguous position. For centuries, Ottoman and Habsburg captivity had been regulated by the customary law of the border zone, but now at least some officials spoke in European terms, of cartels and paroles. The Habsburgs and Ottomans had been at peace for half a century before 1788, and in the meantime the latter had looked westward, fighting two major conflicts involving other European states: the War of the Austrian Succession and the Seven Years’ War. Thus one Austrian pamphleteer “did on occasion refer to the savagery with which the Turks often treated Austrian prisoners, but he did not suggest that it came from religious hatred, preferring instead to describe it as a quaint practice that one would have expected a hundred years ago but certainly not in the late eighteenth

⁸ BOA-AESABHI 243/16255; TNA-FO 78/9 #27, 78/10 #4, #29.

⁹ Tisdale, “Memoirs,” 112r, 120v.

¹⁰ See Krebs, *Merciful Enemy*, 86–7; Neff, “Nineteenth Century,” 57; Thomson, *Mercenaries*.

¹¹ Tisdale, “Memoirs,” 112r, 120v, 149r.

century.”¹² It is not surprising, then, that the Habsburg central authorities looked on captivity through the lens of the Law of Nations, more than the border law.

The Porte’s lack of responsiveness to claims based on the Law of Nations, however, does not indicate a categorical rejection of legality. The Ottomans clearly understood the idea of a parole, and probably of a cartel as well. But they likely felt such practices would be counterproductive in these instances. Was a European officer’s promise not to fight again worth as much in the Ottoman context, as in a European conflict where social networks could enforce honor across state boundaries?¹³ The Porte benefited when civilian captives were sold into slavery, which helped reward the army. Moreover, a cartel would have been militarily disadvantageous for the Ottomans, again because most of their soldiers were irregulars. Ottoman soldiers released from captivity would have been just as likely to return home as to return to service, but the Austrians’ disciplined professionals would most likely have rejoined the war.¹⁴ Such logic underlay European and especially American decisions about cartels, and was the reason scholars regarded paroles and cartels as voluntary, rather than required.¹⁵

The Porte recognized legal arguments—as the references to custom and Islamic law in the debate about prisoners’ work indicate—and they were certainly willing to make legal agreements. But simple appeals to rules that had been developed and justified in another context would not persuade Sultan Abdülhamid to act against his state’s perceived interests.

WORK

Tisdale may have challenged the Porte’s desire for captives to work aboard ships, but for enlisted men, the matter was more complex. Work could be an oppressive burden, but it could also be an opportunity. Enlisted men, except for a few employed as officers’ servants, received only basic rations from the Ottoman state, and were probably not considered creditworthy by lenders. But many of them did have valuable military skills—as gunners, as sailors, as engineers, or simply as infantrymen trained in the maneuvers of modern warfare. Selim needed these skills as he sought to win the war and, eventually, to restructure the Ottoman military.

In previous centuries, State Slaves were gathered specifically to row on galleys, but these had been eclipsed by sailing ships. It seems the Porte now differentiated between criminals and corsairs, who were put to hard labor or rowing (*kürek*), and Russian prisoners, who were not. Indeed, some non-Russian captives even claimed to be Russian, perhaps to avoid galley service. It seems the only Russian-affiliated captives made to row were those who crossed the line between the

¹² See Roider, “No More Infidels,” 155; see also the discussion of this conflict in Hochedlinger, *Emergence*.

¹³ See Krebs, *Merciful Enemy*; Morieux, “Conflicts of Honour.”

¹⁴ For example: HHStA-StAbt-TII 100 #33.

¹⁵ Vattel, *Law of Nations*, 286; Neff, “Nineteenth Century,” 60; Krebs, “Approaching,” 394; Knight, “Prisoner Exchange.”

categories—specifically, those accused of being corsairs. Tisdale protested that some should be protected from rowing, like other prisoners.¹⁶

Far more Russian captives were made to serve aboard Ottoman sailing ships. But these vessels needed skilled sailors—to work the rigging, man the guns, and repair the woodwork. It is not surprising, therefore, that the Ottomans sent to sea far more of the prisoners who had specific nautical skills. According to a list of surviving captives Tisdale prepared in October 1788, of 164 seamen, carpenters, and gunners from the *Maria Magdalena*, 121 were at sea (74 percent), along with thirty-three of thirty-nine sailors from ships impounded when the war began (85 percent). By contrast, only 53 percent of the *Maria Magdalena's* embarked soldiers were sent, and only 30 percent of soldiers and Cossacks captured on land. By war's end, 21 percent of naval enlisted men had died or gone missing on Ottoman ships, but only 7 percent of soldiers and 3 percent of Cossacks.¹⁷ Those who did not serve on ships performed various tasks in the Arsenal.

Some were forced to serve, but others did so “for the sake of pay, and good usage,” Ainslie claimed.¹⁸ This was an exaggeration. Captives were promised between seventeen and forty piasters per sailing season, but this was often paid late, if at all. (Those working in the Arsenal, on the other hand, did receive days off for Easter and Kurban Bayram.) Individuals' wages varied, Tisdale wrote, “just as the Turks have observed their Abilities their Agility and their Deserts.”¹⁹ This resembles the “sliding scale of compulsion and remuneration along which [sailors] could move according to conditions, their willingness to cooperate, and the general perception of their trustworthiness” that Giancarlo Casale has seen on Ottoman ships centuries earlier.²⁰

In both the 1787 and 1806 Wars, Russian officers were less likely to work on ships, or in the Arsenal.²¹ Housed in better quarters and supported by stipends and loans, they also had less need for wages, and more time to consider what they owed the monarchs who had commissioned them. Early in the war, Ainslie claimed, Russian officers opposed enlisted men's work, sparking a riot, in which they were accused of “great violence” and the enlisted men “maltreated” guards who intervened.²² Tisdale's memoirs and letters to the Russian government do not mention this, and while he emphatically opposed his men's labor aboard Ottoman ships, he said little about their work in the Arsenal. After the August 1791 Russo–Ottoman truce, however, he claimed to speak for all the captives in opposing work requirements. “[I]t was now Peace,” he argued, “and the People under my Command were not Slaves. But Prisoners of War to the Grand Sultan. And Subjects of my Great Monarch, Catharine the Second Empress [of] all the Russias.” While admitting

¹⁶ BOA-HAT 207/10933; 1397/56040, 1397/5608; Emecen, *Taylesanizâde*, 192, 205, 287 (distinguishing criminals from prisoners).

¹⁷ AVPRI-SRT 89/8/161 2r–12v; AVPRI-KM 90/1/1055 11v. This includes Tatars taken into Ottoman service (see below).

¹⁸ TNA-FO 78/9 #12.

¹⁹ BOA-HAT 184/8597; Tisdale, “Memoirs,” 112r, 120v–121r, 127r, 140r–v, 153v.

²⁰ Casale, “Rumi Challenge,” 133.

²¹ AVPRI-KM 90/1/1055 13r; RGVIA-MA 14209/166/9–1 12r–13r.

²² TNA-FO 78/9 #12.

that the Ottomans might punish him, Tisdale insisted he would not order his men “to Work in the Arsenal for My Enemy.” He persisted in the face of threatened violence and the chaining of some officers.²³ It is unclear if Tisdale’s newfound concern was due to the prisoners’ pay being in arrears, a desire to demonstrate his zeal before returning to Russia, a sense that peace made further labor improper or illegal, or a mix of all three motives.

Beyond work in the Arsenal or aboard ships, some captives found an opportunity in the Porte’s need for military specialists. Grand Vizier Koca Yusuf Pasha employed a few French defectors from the Habsburg army as field artillerymen, but they were temporarily imprisoned after his fall from power. Other deserters worked as gunners in the Ottoman fortresses along the Dardanelles—far from the battlefronts. The Porte also employed captured Austrian engineers, including one who had converted to Islam.²⁴

While Abdülhamid had sought foreign specialists in areas like artillery, Selim III went further, after the 1787 War, in attempting to form an entirely new army along European lines, capable of maneuvering in lines and firing in volleys. But janissaries resisted this drill—as Koca Yusuf learned when an attempt in 1788 sparked a near mutiny.²⁵ Recruiting large numbers of foreign soldiers was difficult because the Porte, in the eighteenth century (unlike earlier eras) were unwilling to recruit them unless they converted to Islam. This would have hindered their return to Europe.²⁶

Koca Yusuf was out of power between 1789 and 1791, but when he returned to the vizierate, he took a new approach.²⁷ He recruited about seventy Russian and Austrian deserters and captives, who formed a model unit using European drill. They accompanied Yusuf back to Istanbul when the war ended. Selim reviewed them, and his private secretary, Ahmed, wrote that these “trained common soldiers,” moving in a single row, “according to the custom of the new warfare,” were far superior to the Ottoman army, “a miserable array which has not been trained and which has not seen battle and [whose members] do not know each other and [which is] devoid of officers or directors, and [with] everyone armed somehow-or-other, disheveled and made from odds and ends.” Probably reflecting Selim’s view, he believed that using the new methods, Ottoman Muslims would be able to take revenge on their enemies.

Due to their importance to Selim, and his desire to maintain their services, he insisted that the Russians and Austrians in this model unit convert to Islam. They then trained the first Ottoman Muslim recruits for his New Order (*Nizam-ı Cedid*) army, which was central to his postwar reforms.

²³ Tisdale, “Memoirs,” 143v–144r.

²⁴ BOA-HAT 181/8284, 190/9107, 196/9792; TNA-FO 78/9 #14, #17; Ferrières-Sauveboeuf, *Voyages Du Comte*, I: 94, II: 292; Zorlu, *Innovation and Empire*, 97.

²⁵ Ferrières-Sauveboeuf, *Voyages Du Comte*, I: 111.

²⁶ TNA-FO 78/9 #16, #18; Zilfi, *Women and Slavery*, 122; Finkel, “Papa Garrison.”

²⁷ For this story see TNA-FO 78/15 #31; Arıkan, *Ahmed Efendi*, 70–1; Eton, *Turkish Empire*, 98–101; Shaw, *Old and New*, 411; Shaw, “Military Reform,” 292–3; Yeşil, “Kara Ordusu,” 149. For a more detailed account, see Smiley, “Meanings of Conversion,” 571–2.

RELIGION

As the case of the model unit indicates, conversion to Islam was an important marker of captives' status, as it was in the Law of Release. Yet precisely because the confession test had made conversion legible and legally defined, it had also undermined conversion's social meaning as a commitment to the Ottoman state and society. Conversion could be manipulated.²⁸

At first, captives could gain release from the Arsenal through conversion. In November 1787, the Ottomans recorded releasing a Russian prisoner, probably from the *Maria Magdalena*, after he converted to Islam. The captive's motive remains unknown, but his conversion came precisely as disease was beginning to sweep through the Arsenal. Many others converted over the next few years. Such cases were reported directly to Selim after his accession in 1789, creating a trail of documents revealing at least fifty-three converts, who were generally taken into service. Selim was particularly interested in gaining nautical skills, suggesting that some serve in the fleet (the commander of the Arsenal vetoed this, as they were not sailors).²⁹

Under the Law of Release, of course, such converts would not be returned in peacetime. Christian elites generally saw those who converted during the war as forever lost to their faith and their states. Over the disease-racked winter of 1787–88, Ainslie described the number of Russian prisoners as “diminish[ing] daily by the Plague, and by frequent apostasy,” implying that both were equally disastrous.³⁰ Tisdale, likewise, does not clearly mark converts in his lists.³¹ Forty years later, Tsar Nicholas I (r. 1825–55) described converted captives in even harsher terms, ordering “that ‘for such a shameful and vile act, making them unworthy of the name Russian’ they were to be barred from ever returning to Russia, even if they wished to convert back to Orthodoxy.”³²

Some converts, however, did not regard conversion as permanent. In the spring or summer of 1790, Tisdale recorded, a Habsburg junior officer, Jahnrich Johann Tenyressy (or Fenoshi to the Ottomans), told guards of “his Resolution to Embrace the Mahometan Religion,” and a few minutes later he was taken away from the Arsenal, “We know not whither.”³³ Selim was suspicious of Tenyressy, but he agreed to send him and another converted captive, Gregor Dumbrovich (a Wallachian in Russian service), to the palace school of Galatasaray. But Selim's fears were borne out: by early 1791, both of them had escaped and denounced their conversions. In the words of an Ottoman chronicler, they “became circumcised infidels.”³⁴ They may have realized that the Law of Release and the confession

²⁸ For this argument see Smiley, “Meanings of Conversion.”

²⁹ BOA-CBH 9236; BOA-HAT 233/13028; TNA-FO 78/7 #28; Smiley, 570.

³⁰ TNA-FO 78/9 #1.

³¹ AVPRI-SRT 89/8/161 2r–12v; AVPRI-KM 90/1/1055 13r.

³² Bitis, *Eastern Question*, 352–3 n. 17. See also TNA-FO 78/180 #13.

³³ Tisdale, “Memoirs,” 132r. For the rest of his story, from Ottoman sources, see Smiley, “Meanings of Conversion,” 571.

³⁴ Tisdale, “Memoirs,” 137v; Ahmed Câvid, *Hadika*, 58; Smiley, “Meanings of Conversion,” 579.

test made conversion retractable, once peace was made—and peace with the Habsburgs was rapidly approaching.

This colored Selim's approach to another captive, Demetry Rubetto, a junior officer who had been a gunner aboard the *Maria Magdalena*.³⁵ In early 1791, Rubetto drunkenly quarreled with another officer, and threatened him with a knife. He was locked up in a smaller dungeon off the Bagnio, but then repeatedly told the Arsenal guards of "his firm Intentions and Resolution to Embrace the Mahometan Religion." He gave away his crucifix and a small icon, and, Tisdale claimed, publicly cursed his parents and "[a]ll Christians, and their Religion." Other officers, the Catholic priest in the chapel, and even the Polish ambassador tried to dissuade Rubetto from converting—even offering money. They knew that "the Turks would not Oblige Him [to convert], if He did not desire it." In the morning he was brought before a tribunal of Ottoman officers, who asked him if it was true he had converted while drunk, and if (in Tisdale's paraphrase) he now "Wished to recall his former Intention and Declaration to them of being a Turk." But Rubetto insisted that "He had given them his Word, and would Abide by it for Ever. That it was his Wish, and desire to be a Turk, and to embrace the Mahometan Religion." He was taken out of the prison.

But only a week later, Rubetto was back. Rubetto was remanded to a small room with others under punishment, and then after a few weeks he was put back into the Arsenal proper. Tisdale did not know why, but he had several theories, including that "the Turks have Refused him on account of the German [Tenyressy] and our Walachian Capt. Dumbrovich having Run away since they have turned Turks, both of them."³⁶ This was correct: Selim himself had rejected Rubetto's conversion, writing: "Those in Galatasaray [Dumbrovich and Tenyressy] ran away. Let this one continue to stay in prison. Falsely, in order to escape, they are saying, 'We became Muslims.'"³⁷

In later wars, Sultan Mahmud II was also sometimes suspicious of converts.³⁸ Yet, an incident from the 1806 war illustrates how captive conversions continued, and how instrumental conversion could still offer opportunities—when the proper legal procedures were followed.³⁹ Two months after the Treaty of Bucharest ended the 1806 War, 140 Russian soldiers in the Arsenal submitted a petition to their guards, written in Russian, declaring their conversion to Islam. The timing is revealing: the Russian Ambassador, Andrei Italinskii, had arrived, but he had not yet been officially received. These soldiers, described as deserters, clearly knew that they would soon be returned to face punishment, and military service against Napoleon's impending invasion.

Reporting the request to Mahmud, the Council recognized that such "subjects of the Christian states who accept Islam" customarily certified their faith in front of a dragoman. This was, however, not yet necessary, as it was still in a sense

³⁵ For the Ottoman side of this story, see Smiley, "Meanings of Conversion," 559, 571.

³⁶ Tisdale, "Memoirs," 135r–137v.

³⁷ BOA-HAT 1413/57607.

³⁸ BOA-HAT 1000/41985, 1295/50326; BOA-HAT 1038/42996, 1038/42996A.

³⁹ For this story see BOA-CHR 1028; BOA-CHR 1081/44034, 1096/44408A; see also Beyhan, *Câbi Târihi*, 872–3; Zilfi, *Women and Slavery*, 122; Smiley, "Meanings of Conversion," 570.

wartime until Italinskii's formal reception. Mahmud, however, worried that the Russians would later try to reclaim these men, so he ordered a written declaration of faith be taken from each of them. A list was duly prepared of 121 Russians and one Hungarian (eighteen had apparently decided not to convert), with their Christian and new Muslim names noted. Several, dressed at state expense as Ottoman couriers, engineers, or artillery officers, entered the Sultan's service, and others may have done so as infantrymen. Thus, as with the Law of Release, conversion still offered captives a route to change their status, so long as they did so in the legally defined way.

Other Russian captives, however, were *already* Muslims—Russia had many native-born Muslim subjects, such as Kazan Tatars, some of whom served in the armed forces. Islamic law forbade a Muslim (including the sultan) to enslave other Muslims. But was detention in the prisoner-of-war system really slavery? During the 1787 War, Selim III grappled with this question, and came close to overturning Ottoman precedents in order to prioritize captives' political affiliations and origins over their religion.

As the Ottoman prisoner-of-war system took shape in the 1768 war, captured Russian Muslims began to trickle into the Arsenal—one arrived in August 1771, and fifteen more in 1773.⁴⁰ Some were captured in battle, while others had come as deserters. At least the last seven, and possibly others, shifted their allegiance. They were released, “based on their being among the people of Islam,” given new clothes purchased at state expense, and enrolled for training in janissary or artillery units.⁴¹ It is unclear who initiated this arrangement, but it may have been mutually beneficial: the Tatars escaped the Arsenal, and the Porte gained the services of trained soldiers, while resolving any misgivings about keeping Muslims in slavery.

This remained Ottoman practice under Sultan Abdülhamid at the beginning of the 1787 War. When the *Maria Magdalena* surrendered, it had several Kazan Tatars on board, serving as seamen, gunners, and naval infantrymen. In November 1787, Tisdale reported, ten of them were “taken out of this Prison, and compelled to serve the Turks.”⁴² An Ottoman list confirms that ten “Muslim Tatars” had enlisted in the sultan's service, and were released from the Arsenal—but it implies this was voluntary. However, like converts from Christianity, they had to complete a ceremony to mark their new loyalty. All ten “certified and confessed their Islam one by one in the presence” of the Kapudan Pasha. With the proper formalities, then, they could change loyalties based on their commitment to Islam, much as Christian converts could.⁴³

Selim III was less sanguine about such shifting loyalties. He did allow two Kazan Tatar prisoners to enter service in December 1789.⁴⁴ But six months later, he objected when five more Kazan Tatars, captured near Anapa, submitted a petition for release. Abdülgazi, Hüseyin, Mustafa, Murad-Ali, and Abdullah claimed that

⁴⁰ BOA-CHR 405, 412; BOA-CAS 5907; BOA-MADd 10391 pp. 179, 185.

⁴¹ BOA-MADd 10391 p. 185; AEASMSTIII 267/21351.

⁴² AVPRI-SRT 89/8/161 2r–12v; Tisdale, “Memoirs,” 110r.

⁴³ BOA-CBH 9236. ⁴⁴ Tisdale, “Memoirs,” 127r.

the Russian Empire, an evil force that marched against the Abode of Islam, had taken them and dressed them in “infidel clothes.” They were entitled to freedom, they claimed, “because in the Abode of Islam there are not Muslim slaves.” Moreover, they complained that their imprisonment alongside infidel soldiers made it difficult for them to pray, and they expressed “the desire to go to campaign with the other soldiers of monotheism.”⁴⁵ Selim’s advisers seem to have been sympathetic, noting that the Kazan Tatars were “a tribe among the inhabitants of the domains of Moscow,” from whom the Russians took one gold piece each every year, and one man in every hundred for military service in wartime. Furthermore, at the time of battle, the Tatars had intended “not to fire a shot against Islam.”⁴⁶ At the top of the report, someone—perhaps Grand Vizir Şerif Hasan Pasha—indicated an inclination to do just that, writing “they are to be manumitted.”⁴⁷

Selim was dubious, however. “Whether infidel or Muslim, being my enemy, the one who fights with us is [an] enemy,” he declared. “Why would I let my enemy go? [They] are to be imprisoned in the Arsenal. I do not consent. Do not let them be set free.”⁴⁸ The Tatars’ political identity, he seems to have felt, was immutable; their Russian subjecthood meant they were permanently tied to that state.

In the end it appears Selim and his advisers compromised: the Tatars were released from the Bagnio, and Tisdale believed they had “Entered Voluntarily into the Turks Service, on account of their Mahometan Religion.”⁴⁹ But they did not leave the Arsenal entirely. According to the chronicler Ahmed Câvid, these Tatars had “been obedient to the infidels, attacking the holy warriors of Islam with swords drawn,” so they were “separated from the infidel prisoners, and added to the class of criminals” in the Arsenal.⁵⁰ Selim did not draw such a distinction, and it is possible Ahmed Câvid invented it to justify the sultan’s action. But in the end, imprisoning them alongside the Arsenal’s convicts was a way to keep these men in detention, while also making clear that they were not illegally enslaved Muslims.

The overarching principle that Selim expressed, both here and in Rubetto’s case, seems to have been that one’s original political affiliation was paramount. While *conversion* might necessitate remaining in the Ottoman Empire, under Islamic and treaty law, the fact of simply *being* Muslim was less important. This same principle was simultaneously reflected in a series of Ottoman–Russian agreements regulating cross-border desertion. The 1774 Treaty of Küçük Kaynarca mandated that the Ottomans return Russian deserters, save for those who *converted* to Islam in the Ottoman Empire—something impossible for Russian Muslims. This was not just an unintentional quirk of wording: the rule was confirmed by a 1798 treaty, explicitly requiring the return of all deserters who were “Muslims who are among the native subjects of the Russian State.” Christian converts, by contrast, had an avenue to remain. The Ottoman state, by and large, followed these principles in peacetime as the treaties required, at least until 1828.⁵¹ This did not mean that Russian Muslims

⁴⁵ BOA-HAT 1398/56158.

⁴⁶ BOA-HAT 1411/57459.

⁴⁷ BOA-HAT 1398/56158.

⁴⁸ BOA-HAT 1411/57459.

⁴⁹ Tisdale, “Memoirs,” 133v.

⁵⁰ Ahmed Câvid, *Hadika*, 19.

⁵¹ See Smiley, “Burdens of Subjecthood,” 82–3. For parallel situations, see Masters, “Treaties of Erzurum”; Deringil, *Conversion and Apostasy*.

could *never* be accepted into Ottoman service; on occasion they were, in later wars. But hardening Ottoman attitudes seem to have made this more difficult.

ESCAPE

Rather than working with the Ottoman state by asserting claims that it might recognize, other captives took an entirely different path, one that popular movies have helped make almost synonymous with being a modern prisoner of war: escape. These daring efforts are intriguing in themselves, but more importantly, the Ottoman state's reactions illuminate officials' implicit ideas about the rules of captivity.⁵²

The first person to attempt an escape from the Arsenal in the 1787 War was Lombard—the same Maltese knight in Russian service whom the French envoy Choiseul-Gouffier unsuccessfully attempted to parole. After other diplomatic and legal claims also failed, Choiseul-Gouffier began helping Lombard plan his escape. On the first occasion, in the summer of 1788, a French frigate waited offshore to carry Lombard out of Ottoman waters, but he was too ill to climb the walls, and an informer leaked the plan. Lombard despaired and attempted suicide, but then rallied long enough to hatch a new scheme, revolving around a massive uprising in the Arsenal. The prisoners, he planned, would kill the guards, seize a ship, and sail away. Choiseul-Gouffier vetoed this, believing it was far too dangerous.⁵³

Lombard tried yet again, and succeeded, on the evening of June 25, 1789. By Choiseul-Gouffier's account, a French worker in the Arsenal (a paid advisor in Ottoman service) helped smuggle Lombard aboard a ship headed to the Adriatic, via Izmir. Tisdale, who believed Lombard suffered from "an Insanity of Mind," claimed that he had arranged to come back and rescue another officer (whom Tisdale disliked) but failed to do so.⁵⁴

The Ottoman state's response was swift and harsh. Officials believed the septuagenarian warden of the Bagnio had helped Lombard, in return for a bribe of 500 piasters from Choiseul-Gouffier. Selim III had become sultan just three months earlier, and had already executed the Arsenal's director as part of a purge of disloyal officials. Now he did the same to the warden, whom Tisdale lamented as "an Indulgent, Humane, Worthy, good Old Man."⁵⁵ At the same time, the Grand Vizier's Council inquired into the situation of the Bagnio's thirty-six guards, raising their salaries while adding ten new watchmen—whose service was expected to last only until the war ended, and the prisoners were released. Furthermore, Selim

⁵² In a different context, Molly Greene similarly emphasizes the use of disputes to recover "shared, but unspoken, principles": Greene, "Mediterranean," 115.

⁵³ Tisdale, "Memoirs," 115v; Pingaud, *Choiseul-Gouffier*, 204–6.

⁵⁴ TNA-FO 78/10 #28; Tisdale, "Memoirs," 123r–v; Emecen, *Taylesanizâde*, 399; Pingaud, *Choiseul-Gouffier*, 204–6.

⁵⁵ BOA-HAT 178/7920; TNA-FO 78/10 #22, #29; Ferrières-Sauveboeuf, *Voyages Du Comte*, II:245–6; Tisdale, "Memoirs," 121r, 125r–v; Emecen, *Taylesanizâde*, 376, 399.

seems to have restricted French aid to the prisoners.⁵⁶ The Bagnio, then, was becoming a heavily guarded, but temporary, prisoner-of-war camp. Selim's draconian response, too, indicates that more was at stake than the loss of one captive and his labor. Lombard's escape challenged his imperial prestige. In October, two Austrian captives also succeeded in escaping, and by the end of the war, two Russians had joined them. The Ottomans retaliated by putting some prisoners back in chains, and by beating others for various offenses that might have otherwise gone unpunished.⁵⁷

This did not stop a number of Habsburg officers, who in the summer of 1790 instigated the most classic of all prison breaks: digging a tunnel.⁵⁸ The Arsenal's Ottoman officers learned one day in early July "by some means" (perhaps from an informer), that the prisoners expected to complete the tunnel that very night. In the evening, an Austrian prisoner climbed a tree in the Arsenal courtyard, presumably so he could see over the walls to observe the tunnel's exit. The guards noticed his absence during the roll call, and began a search. Three Hungarian officers quickly staged a diversion by attacking a guard, and insulting others who came to his aid. Nevertheless, the tunnel was discovered. The diggers had been six of the imprisoned officers' servants, who were not kept in chains at the time. Upon interrogation, they testified that the officers had told them to dig, and had even paid them two piasters per day. This was a considerable sum, on a monthly basis equivalent to twice the allowance of a captured major (or the wages of an Istanbul day laborer), and four times the pay of a rank-and-file Arsenal guard.⁵⁹

Selim's advisers believed that the enlisted men who had dug the tunnel deserved execution. But now the Porte's commitment to reciprocity again became apparent. The Council feared that executing prisoners for escape would invite Russian or Austrian retaliation against captured Ottoman soldiers. As a result, the offenders were simply put in chains, and confined to a small room; Selim added that they should be beaten as well. The officers who had ordered, and paid for, the digging were punished less severely, perhaps illustrating an Ottoman recognition for their higher social status.⁶⁰

Arsenal officials were more concerned about the three imprisoned officers who had staged the diversion. They advised Selim that these men were perpetual troublemakers who should be moved elsewhere, to prevent "their mischief spreading to the others." The Council considered putting them, too, in chains, but here again reciprocity intervened. There were many Ottoman officers in Austrian and Russian custody, and "heretofore in whatever manner the prisoners of the Christian states have been treated by the Sublime [Ottoman] State, they [have] treated the prisoners of the Sublime State in the same way."⁶¹ Therefore, a total of seven troublemakers were removed from the Arsenal and sent to the Seven Towers. Russian officers

⁵⁶ BOA-CBH 1632; Pingaud, *Choiseul-Gouffier*, 206; Ferrières-Sauveboeuf, *Voyages Du Comte*, II: 246.

⁵⁷ AVPRI-KM 90/1/1055 13r; Tisdale, "Memoirs," 125v, 141v.

⁵⁸ For this story see BOA-HAT 1397/56103, 1397/56106, 1398/56207, 1398/56215; TNA-FO 78/11 #16; Ahmed Cavid, *Hadika*, 41.

⁵⁹ See BOA-CBH 1632, 9272; Pamuk, *Fiyatlar*, 192–7.

⁶⁰ BOA-HAT 1397/56106; Tisdale, "Memoirs," 137r.

⁶¹ BOA-HAT 1397/56106.

followed them later.⁶² Implicitly, the Council seems to have assumed that the Russians and Austrians would retaliate only for certain actions that breached accepted norms. Corporal punishment for individuals who attempted to escape would not be a breach, but executions, or collective punishment, would.

The Council's concepts of acceptable prisoner discipline are even clearer in its response to another escape at roughly the same time. An unidentified prisoner who was working outside the Arsenal escaped, and soon thereafter an Ottoman officer turned up dead. When the prisoner was recaptured, he was found in possession of the officer's horse, and other items. After a severe beating, the prisoner admitted he had killed the official. He was promptly hanged. It is unclear if the Council approved this punishment in advance, but in its first written report to Selim, its members were uneasy. The Porte's enemies, the Council worried, "with public talk that 'they are hanging prisoners,'" would surely learn of the execution, and as a result, "the captives of the People of Islam who are in enemy [hands] [would] be killed by the enemy." To prevent this, "a sign explaining that this escapee's hanging was not due to his escape, but due to his [act of] murder, was written and placed upon his corpse."⁶³

This, of course, did nothing to change the man's fate—it was an act of public relations, invoking unwritten legal principles and aimed at foreign observers. Like the response to the tunneling attempt, it revealed the Porte's beliefs about the rules of captivity. The Russians and Austrians, the Council seemed to assume, would agree that a prisoner guilty of *murder* merited hanging. But a prisoner guilty only of *escape* did not. In making this distinction, of course, the Porte implicitly accepted its enemies' own right to execute captured Ottomans who committed murder. The Ottoman state thus treated some elements of its prisoner-of-war system not only as internal policies, changeable at the sultan's will, but as rules it was *obligated* to observe under threat of reprisals—in a sense, as customary international law.

RELEASE AND A STRIKE

For most, the Ottoman prisoner-of-war system offered a simpler way out: they could wait until the war ended. As we have seen, the Law of Release and the prisoner-of-war system meant that Ottoman captivity would lead those who survived inevitably back to service in their original states. But, as the example of the Russian prisoners who converted to Islam in 1812 illustrates, not all captives *wanted* to reenter military service. An even more dramatic, and more complex, incident twenty years earlier showed that even the moment of return was subject to negotiation—and that captives could challenge both the Ottoman state and their own.

This story began as the 1787 War wound down. The Ottomans deliberately improved prisoners' treatment, and released twenty-two of them in hopes the

⁶² BOA-AESSLMIH 351/20154; Ahmed Cavid, *Hadika*, 41.

⁶³ BOA-HAT 184/8597.

Russians would do the same.⁶⁴ After the two sides agreed to a truce in August, several officers and their servants were moved to the Seven Towers, which Tisdale found to be “spacious” and “genteel,” “with a good Kitchen, a neat small Garden, and Summer House for Recreation,” and a private apartment, “altho’ We was Still in a Turks Prison.” As noted above, he and the other officers challenged the Porte over what they believed were insufficient stipends. After peace, they were moved again, to the Russian mission in Beyoğlu and several houses near it that the Porte paid to rent. Tisdale also reported that the Bagnio’s chief scribe, Mehmed Derviş, was now arrested and exiled—for, he claimed, mismanagement of the prisoners’ allowances.⁶⁵

Release did not mean freedom, however—only passing from one system of servitude to another. Upon peace, Ainslie wrote, the prisoners came “under the orders of the Neapolitan Envoy.” Without his approval, Tisdale and the other officers “did not think our Selves at Liberty to go any where until the Arrival of our Russian Charge de Affaires,” Aleksandr Khvostov. Until then they were, in Ainslie’s revealing words, “at full liberty to follow the Orders of their Court.”⁶⁶

Those “Orders” would soon lead many captives back into service. This was obviously the case for conscripted infantrymen, whose service was lifelong and whose families in some cases had mourned them as if dead when they departed for service. But it was also true of sailors—even if they were Greeks of Ottoman origin—and Cossacks.⁶⁷ They understood this, and some sought to avoid such a dubious “liberty.” A few escaped from the Arsenal, while others seized this moment to convert—even though the war had ended and their release was at hand.⁶⁸ But the greatest resistance to return came from a large contingent of Greek-speaking sailors. The Russians had recruited many such men for their irregular privateer fleet in the Mediterranean, and some of these had been captured. Now, their political status—their service to Russia—would determine their fate.

As the Porte prepared to release all of its prisoners of war, the Council believed that at least fifty-eight of them were Ottoman Christians.⁶⁹ Many had previously claimed to originate from Russian or Venetian territory, in order to avoid being sent to the galleys, or even executed, as corsairs or rebels (see Chapter 8). Regardless of their loyalties or their origins, though, these men had nautical skills—and Selim and Yusuf now wanted to prevent those skills from passing back into Russian hands. They therefore decided to release those prisoners whom they believed were

⁶⁴ BOA-AESSLMI 369/21076; 374/201301; BOA-CAS 3191, 38701; BOA-CHR 3694, 6325, 7933; BOA-HAT 1413/57679; BOA-MHMD 186 #60; Tisdale, “Memoirs,” 156v.

⁶⁵ AVPRI-KM 90/1/1055 15r; BOA-AESSLMI 369/21076; BOA-HAT 146/6139, 261/15060, 1387/55004; TNA-FO 78/13 #4, #12; Tisdale, 142v–157r.

⁶⁶ TNA-FO 78/13 #4; Tisdale, 157v.

⁶⁷ Boeck, *Imperial Boundaries*, 230; Wirtschafter, *Russian Soldier*; Keep, *Army and Society*, 161.

⁶⁸ AVPRI-KM 90/1/1055 12r, 13r; Smiley, “Meanings of Conversion,” 569.

⁶⁹ Except where otherwise noted, the following story is drawn from AVPRI-KM 90/1/1055 14r, 24r–v, 48r–54v, 65r–v, 70r–75r, 167r–v, 170r–175v; BOA-CBH 10802; BOA-CHR 611, 1951, 7582; BOA-DVE 65/36; BOA-DVEd 86/4 #389; BOA-HAT 1386/55004, 1387/55087, 1402/56578, 1402/56614, 1402/56639, 1402/56641; TNA-FO 78/13 #10, #12, #13; Tisdale, “Memoirs,” 158v. For a more detailed account see Smiley, “Network of Violence.”

Greek Ottomans, before Khvostov arrived to reclaim them. The Kapudan Pasha, Küçük Hüseyin, personally went to the Arsenal along with his chief translator and the heads of the Greek Christian community. They offered the prisoners release, on the surety of guarantors, and they warned that further corsairing would be punished by death. But the prisoners refused to leave the Arsenal. They declared that they feared the Ottoman state would track them down, even in their homes, and punish them one by one. Moreover, Russian officers argued that, as the Greeks had been captured under the Russian flag, they could only be released into Russian state hands. In other words, their political status as Russian military servitors meant that they should be fully under Russian control.

The captives insisted they would only leave the Arsenal under the protection of the Russian ambassador. Indeed, they, and thirty-four Maltese prisoners who presumably had served aboard Russian privateer vessels, petitioned the tsarist state to release them from the ordinary fate of corsairs: a “wretched State of Slavery to the Turks for Life.”⁷⁰ Küçük Hüseyin warned that, if the prisoners were handed over to the Russians, they would not be allowed to return home—and he was right. When Khvostov arrived, it became clear that he intended to dispatch the privateers to the Crimea, to strengthen the Russian Black Sea fleet, exactly as Selim and Yusuf had feared.

This was also not what the prisoners wanted. They had enlisted as corsairs, in the Mediterranean, and wanted to return there. Joined by native Russian captives, they quickly began trying to negotiate with the Russian state. Some wrote letters to Catherine the Great, asking to be allowed to return to their own leaders in the Aegean. When this plea failed, some of the captives fell back on another option: according to Ainslie, “a great number . . . have changed their Religion in order to remain here, whose example would have been followed by many others had it not been prevented by secret orders from the Porte.”⁷¹ Ainslie probably exaggerated the number of converts, but Ottoman documents indicate that at least a few were accepted, and rewarded.⁷² Such converts may have intended to make their way home, and perhaps then return to Orthodoxy. Others escaped from the Arsenal, which seemed to have become very porous—perhaps due to collusion between guards and prisoners.

Even those who accepted return still had further demands. Several of the privateer officers asked the Russian government for 200 piasters each, along with further funds to pay off debts they had incurred in captivity. The Porte eventually satisfied this demand with a lump-sum payment of 2,500 piasters. The enlisted prisoners, not only Greeks, but also Russians, had their own financial demands, for twenty-five piasters each. At least part of this, they claimed, was owed as back wages for work they had done in the Arsenal and on board Ottoman ships. They also wanted rewards commensurate with what earlier captives (apparently those exchanged earlier) had received. Otherwise, they threatened, they would “make great resistance” to leaving the Arsenal. In other words, they threatened to strike.⁷³

⁷⁰ Tisdale, “Memoirs,” 156v.

⁷¹ TNA-FO 78/13 #10.

⁷² BOA-CML 720; BOA-MADd 10418 p. 29.

⁷³ AVPRI-KM 90/1/1055 53r; for naval mutinies as labor strikes, see Manwaring and Dobrée, *Floating Republic*.

This was a cleverly chosen threat. The Law of Release functioned by moving captives back and forth between Russian military service and Ottoman captivity, linking the two states' interests and minimizing inconvenience for both. Resisting that challenged both states: "This Affair caused great Disturbance at the Ottoman Porte," Tisdale wrote, "and was a great Hindrance to our going Home, a great Uneasiness to Mr. Kvostoff our Charge de Affaire. But much more so to my Self in particular."⁷⁴ Recognizing the states' different, but linked, interests, the strikers articulated their claims differently before each audience: "To the Turks," Ainslie reported, "they declared that after being so long Prisoners they will not return to Slavery in Russia, and to M. de Guastoff they pretended that a large Sum is due to them by the Turks for arrears of Work in the Arsenal[.]"⁷⁵ They refused an initial offer from Khvostov that if they accepted release, he would press their claims against the Porte. Indeed, they even accused their officers, and Khvostov himself, of having received their money but keeping it from them.

When the Russians renounced any claims of protection over the Ottoman-subject strikers, they finally agreed to board the ships the Porte had prepared, at its expense, to take them to Crimea. The Russian subjects who had joined them persisted, until the Porte finally agreed to pay part of the money they demanded. The two states had cooperated and eventually won, but not until after the captives exacted a price—and after some of them had converted or escaped. They were tried by court-martial on their return to Russia, with uncertain results.⁷⁶

As in other cases throughout the 1768, 1787, and 1806 wars, these prisoners were far from cowed by Ottoman captivity. The European Law of Nations might not have been helpful, but captives knew the Ottoman rules of detention, and they used them adeptly. Their negotiations also illuminated unwritten principles, such as officers' entitlement to better treatment, the different punishments due to captives who escaped or committed murder, and, most importantly, the vital role of reciprocity in Ottoman official reasoning. Captives' negotiations reflected the persistence of rules from the Law of Release, such as the importance of politically defined tests for conversion. It was subjecthood that counted, and while conversion could change one's subjecthood, religion in itself was less important.

Even when treaties or explicit legal claims were not at issue, as in escape attempts, the Porte's continuing attention to Russian or Austrian reactions illustrates the importance of reciprocity, and thus the centrality of law. The Ottomans saw rules as a two-way street, binding on both them and their adversaries, and enforceable through reprisals—even when those rules were unwritten. Under the "customary law of the border zone," such rules and reprisals might have been a matter for peripheral peoples, but now they mattered to the imperial state. Ultimately, these debates reveal that the prisoner-of-war system, like the Law of Release, was worked out through the interplay between peacetime treaties, state interests, Russo-Ottoman rivalry, and captives' own claims.

⁷⁴ Tisdale, "Memoirs," 158v.

⁷⁵ TNA-FO 78/13 #12.

⁷⁶ Tisdale, "Memoirs," 160r.

PART IV

Fourth Interlude: The Age of Revolutions and the “Global Moment”

One month after Selim III became sultan, the French Estates General convened, beginning a train of events that would end in the deposition and execution of King Louis XVI. The ensuing conflicts between revolutionary and Napoleonic France and its many *ancien régime* rivals arguably ushered in a new concept of “total war”: a vision of war as an existential clash of nations, rather than a trial between monarchs to settle claims of land and title.¹ The wars of the revolution and their aftermath coincided with a “treaty-making revolution”—an explosion of bilateral agreements between states—that continued through the following century.² It was also in this moment that the British intellectual Jeremy Bentham coined the term “international law” for the treaties and customs that underlay the European Law of Nations.³

Historians have called this the Age of Revolutions, but Şakul argues it had another dimension, for the Ottomans, as a “global moment”—an era of intensified interactions and changing alliances.⁴ Over the preceding decades, one European state after another had been granted Capitulations, bringing more diplomats and merchants to Istanbul. Soon after the French Revolution, its politics divided the Ottoman capital’s French residents, ending the career of French Ambassador Choiseul-Gouffier.⁵ The wars of the revolution followed in 1798, when Napoleon Bonaparte invaded Egypt. Selim allied with Russia and Britain to expel the invaders, fighting side by side both in Egypt and in the Mediterranean. The Peace of Amiens in 1802 ended this conflict, though in Europe war soon resumed between Britain, France, Austria, and Russia.

With the French expelled from Egypt, Governor Mehmed Ali Pasha restored Ottoman control—though he gained a large degree of functional autonomy from

¹ See Bell, *First Total War*; Whitman, *Verdict of Battle*. Unless otherwise noted, the general narrative here draws on Aksan, *Ottoman Wars*; Quataert, *Ottoman Empire*.

² Keene, “Treaty-Making Revolution.”

³ Janis, “Jeremy Bentham.”

⁴ See Şakul, “Global Moment”; see also Yaycıoğlu, *Partners of the Empire*; Philliou, *Governing Ottomans*.

⁵ See Firges, *French Revolutionaries*; see also van den Boogert, *Capitulations*.

the Porte, eventually bolstered by his own “New Order”-style army of conscripted peasants.⁶ Ottoman relations with Russia soured once again, with influence in the Danubian principalities a particular flashpoint, and war between the two rivals erupted in 1806. Selim soon went to war with Britain in Egypt as well, and in 1807 a British fleet under Admiral John Duckworth sailed up the Dardanelles, briefly threatening Istanbul itself, though peace was restored in 1809.

Even without foreign wars, this was a chaotic era. Economic distress, currency debasement, and the Porte’s reliance on local notables and irregular forces fostered violence and fragmentation in the Balkans.⁷ This spread violence across the empire’s northern defensive line, and allowed a number of rulers to set up their own spheres of influence in an uneasy relationship with Selim, who sometimes welcomed their support but sometimes sought to weaken them. The Balkans’ disarray also allowed a variety of “warrior-entrepreneurs”⁸ to flourish, and these could be labeled as bandits or as military leaders, depending on the Porte’s needs of the moment. In Serbia, the violence widened into a revolt, which the Porte struggled to crush for over a decade after 1804. In Istanbul, too, janissary auxiliaries, discontented with Selim’s “New Order,” rose up in 1807, overthrowing Selim and installing his cousin Mustafa IV (r. 1807–08). Mustafa was himself overthrown the following year by a coalition of notables, though not before he had Selim killed. The position of sultan thus fell to Mustafa’s brother Mahmud II (r. 1808–39). Mahmud began his reign by agreeing to a deal, the Deed of Alliance, with the notables who had brokered his succession.⁹

In foreign affairs, Mahmud pursued and then eventually ended the losing war with Russia (1806–12) through the Treaty of Bucharest, giving up the region of Bessarabia to Tsar Alexander I. He also settled a brief conflict with Iran, now reunited under the Qajar dynasty, through the 1823 Treaty of Erzurum (though this was not ratified until 1848).

Domestically, Mahmud built his own power against the notables and janissaries, while also facing internal rebellions. He granted autonomy to Serbia a few years after the 1812 Treaty of Bucharest, only to find himself dealing with a new revolt, this time by some of the empire’s Greek-speaking Christians, in 1821. An activist group from the Greek community in Odessa (the destination of the Ottoman Greeks freed from the Arsenal in 1792) sparked a revolt in the Danubian principalities. This was quickly put down, but rebellion then erupted in the Peloponnesus and the islands of the Aegean. As the war dragged on through the 1820s, Mahmud sought any forces he could mobilize to oppose the rebellion, eventually including those of Mehmed Ali, the ruler of Egypt whose loyalty to the sultan was, increasingly, only nominal.

The Greek rebels did not simply protest injustice and oppression; they presented themselves as fighting for national independence, in the spirit of the Age of

⁶ Fahmy, *Pasha’s Men*.

⁷ See Yaycioğlu, *Partners of the Empire*; Aksan, *Ottoman Wars*; Esmer, “Economies of Violence.”

⁸ Esmer, “Economies of Violence,” 164.

⁹ See Yaycioğlu, *Partners of the Empire*; Yıldız, “Selimiyye Incident.”

Revolutions. Some European elites, remembering the Napoleonic and Revolutionary Wars, were suspicious of any whiff of revolution. But many sympathized with the Greek rebels' cause—sympathy which was only heightened by Mahmud's brutal response to the uprising. To rally Ottoman Muslims, Mahmud mobilized the language of religion. Such popular appeals were vital, because—lacking Selim's New Order army—he had few disciplined troops to call upon.¹⁰

As the Greek war dragged on, Britain France and Russia became involved, and eventually sent a combined naval squadron that destroyed an Ottoman fleet in 1827, at the Battle of Navarino. This nearly led to a wider conflict between the Ottomans and all three powers, but in the end Mahmud only went to war against the new Tsar, Nicholas I. A decisive Russian victory led to Greek independence in 1830 (with a Bavarian prince installed as king). This was the first of many instances over the next century in which Christian Powers “decided, ultimately on their own terms, whether or not future demands for secession [by Ottoman Christians] would be valid.”¹¹ Looking ahead, the ascendancy of Britain, France, and Russia will be a major theme of Part V. But for the next two chapters, the relevant context is that of the Age of Revolutions, between roughly the 1780s and the 1820s, when the power disparity between the Porte and its imperial interlocutors was not yet so pronounced.

¹⁰ See Philliou, *Governing Ottomans*; Brewer, *Flame of Freedom*; Erdem, “Greek War.”

¹¹ Philliou, *Governing Ottomans*, 110; see also Rodogno, *Against Massacre*, 63–90.

7

The Rules Expand

When the *Maria Magdalena* surrendered in 1787, its crew was not solely composed of ethnic Russians, or even Russian subjects. The ship's captain, Benjamin Tisdale, was an Englishman, while one of the lieutenants was Count Francis Zambeccari, the son of the Spanish envoy to Bologna. They were but two of many captives who helped bring a new set of actors into the story of Ottoman military captivity: states that had friendly relations with the Ottomans (or that were, in the terms of modern international law, "neutral"). Most of these, like both Britain and Spain, were European states bound to the Porte by commerce, legally regulated by the Capitulations. Others, such as Austria, Poland, and Venice, had a more contentious history with the Ottomans.

As this chapter shows, all came to play by the Ottoman rules of captivity. The 1787 War provides an introduction, as treaty law, prestige, and the desire to bring their own subjects back into military service led these states to take an interest when those subjects were captured in the service of the Ottomans' enemies. Such intervention transformed some captives' negotiations, otherwise similar to those explored in Chapter 6, into a matter of diplomacy, drawing in states uninvolved in the conflict. Neutral diplomats had no more success in using the rules of the Law of Nations than imprisoned officers did, and they rarely tried. Instead they drew on the Capitulations, or leveraged the by-now-familiar Law of Release. Some of these debates resemble those over other aspects of the Capitulations.¹ But those agreements retained a crucial, and never resolved, ambiguity about who was entitled to release, so Selim ultimately insisted that European states abide by a new set of rules—which resembled the principles of neutrality emerging at the same moment in the Atlantic world. Captives quickly learned that the key factor in all these legal rules was their subjecthood—but, like other captives in previous decades, they also found they could claim to be subjects of different states, as suited their interests.

These negotiations during the 1787 War were but one part of a much larger trend, as the Ottoman-Russian rules of captivity—not only the prisoner-of-war system but also the Law of Release—took on a larger role. The era of the Napoleonic Wars brought the Ottomans into new military contexts—conflicts with old foes like Austria, during the 1787 War, and Iran, in the 1820s; but also with newer enemies like France and Britain. In these conflicts, and the treaties that ended them, the Ottoman prisoner-of-war system and Law of Release extended, with

¹ See van den Boogert, *Capitulations*, who emphasizes flexibility, the importance of individual disputes in setting precedents, and other issues that parallel those discussed here.

some modification, to all of these imperial rivals. In the Ottoman global moment, Russo-Ottoman rules were no longer just Russo-Ottoman.

REQUESTS AND CAPITULATIONS

The list of states with Capitulatory privileges grew through the eighteenth century, and by 1787 included France, Britain, Prussia, the Netherlands, Denmark, and others.² Even as there were more Capitulatory states than in the past, there seem to have been more Capitulatory *subjects* in Ottoman captivity than in earlier wars—over 200 arrived in Istanbul as prisoners of war during the 1787 War. Military officers, soldiers, and sailors circulated widely in eighteenth-century Europe, whether for profit, survival, experience, honor, or duty to an adopted sovereign.³ Many enlisted with the Habsburgs, and a number of those were captured, or deserted, after defeats in 1788.⁴ As they trickled into Istanbul, their states' ambassadors frequently requested their release (often accompanied by gifts to Ottoman officials). The Porte and the Capitulatory powers now had to face a vexing legal question: were the Ottomans obligated to release Capitulatory subjects whom they captured in enemy service? This eventually led the states to work out a new understanding of the rights and duties of neutral powers—but it was not a new question.

Since the late seventeenth century, European states had sought more systematically to rescue their enslaved subjects. They had a particular incentive to do so when those subjects were soldiers, who might return to service in their own states' armies. The Capitulations were European diplomats' main tool in dealing with the Porte, as they forbade Ottomans to enslave the subjects of Capitulatory powers. Accordingly, during the 1735 Russo–Ottoman War, four Frenchmen captured in enemy service were, at the request of their state's ambassador, released from the Arsenal. This put French subjects in a privileged position, protected by the Capitulations from captivity even after they had fought against the Ottomans. That did not apply, at first, to Spanish subjects, whom the Ottoman state continued to buy or seize alongside enemy captives.⁵

Perhaps in response, the terms of the Capitulations began to shift. In 1737, the first Swedish Capitulations provided that those “found under arms in war with the Ottoman Empire” *could* be enslaved.⁶ Similar (though not identical) terms were in the 1740 French, 1756 Danish, and 1761 Prussian Capitulations, and by the principle of “most favored nation,” should have eventually been extended to all Capitulatory powers (though this would not have happened immediately).⁷ But

² See Noradounghian, *Actes Internationaux*, 1897.

³ This is often described as “mercenarism” or an open market in military labor, but in reality it was more complex. See Krebs, *Merciful Enemy*; Thomson, *Mercenaries*; Duffy, *Military Experience*.

⁴ See, e.g., Bayram, “Enverî Târîhi,” 472.

⁵ BOA-CBH 6292; BOA-CHR 6467; BOA-MADd 10339 pp. 104–5.

⁶ Noradounghian, *Actes Internationaux*, 1897, I:240.

⁷ See van den Boogert, *Capitulations*; Ahmed Câvid, *Hadika*, 81; Noradounghian, *Actes Internationaux*, 1897, I:281, 312, 318.

this left a crucial ambiguity—what did it mean to be “under arms”? Other agreements were worded slightly differently, with the clause turning on whether captives had been “engaged in mischief” (*fesat üzere*).⁸ But what did this mean? Was it sufficient for one to be *in* an enemy army, or *on* a corsair ship, or did one need to be actually carrying weapons? What about those who surrendered, or deserted before being captured?

These questions troubled British envoy John Murray during the 1768–74 Russo–Ottoman War, when rumors spread that British subjects were serving in the Russian fleet. Murray’s dragoman assured the Porte that any of King George III’s subjects who had enlisted in Russian service were “of the Dregs of the People, of which there are too many in all the Governments of the World and will not be acknowledged by His Majesty as his Subjects, as they obeyed not His Majesty’s Orders.” Nevertheless, in June, Murray requested explicit instructions from London “in Case any English Ship in the Russian Service should be brought into this Port, and the Crew made Slaves.” He was told not to protect ships which “break thro’ the Rules of that Neutrality, nor are you to claim the Crew of any such Ships so employed as British Subjects[,]” as they had “forfeited His Majesty’s Protection.”⁹ Ottoman documents only note one “English” prisoner (possibly of Italian descent), named Joseph John or Giuseppe Giovanni. Murray’s correspondence does not mention any attempt to aid him, though he seems to have been exchanged with the Russians in early 1772.¹⁰ Thus, the British believed they *might* have a legal right to demand their subjects’ freedom, but declined to press this.

This question came to a head, however, during the 1787 War. After impounding Russian-flagged ships at the outbreak of the conflict, the Ottomans released non-Russian subjects aboard them, both in Istanbul and in Izmir—but these people clearly had not been captured under arms.¹¹ When the *Maria Magdalena* arrived, the fact that it was commanded by Tisdale, an Englishman, stirred up “the old stories of the former War” about British aid to Russia—indeed, the Porte complained to Ainslie’s dragoman about the “permission” it believed George III had given Tisdale. Ainslie, like Murray, denied the crown could be held responsible for a subject’s actions, and pointed out that Russia employed “the Subjects of every Power in Europe, including those of the Sublime Porte.”¹²

Ainslie recognized Tisdale as a British subject, and assumed that he had a right to request aid from “his Sovereign’s embassy.”¹³ But British aid was not Tisdale’s only option, and the Austrian envoy Herbert-Rathkeal had at first invited him to apply to that embassy, only to refuse aid later, allegedly due to the fragility of Austrian–Ottoman relations. (Ainslie attributed this instead to a personal grudge Herbert-Rathkeal bore against him.) Neither ambassador, however, made a formal claim under the Capitulations. Perhaps they feared this would be denied,

⁸ The question lingered in the late nineteenth century: Noradounghian, *Actes Internationaux*, 1897, I:I:301.

⁹ TNA-SP 97/46 #6, #10, #11.

¹⁰ BOA-CBH 4314; TNA-SP 97/49 #8.

¹¹ TNA-FO 78/8 #18, #19, #20.

¹² TNA-FO 78/8 #21, #22.

¹³ TNA-FO 78/8 #22.

setting a bad precedent, since Tisdale had been captured while commanding an enemy warship.¹⁴

Unwritten understandings and personal relationships proved more important. Ainslie interceded informally on Tisdale's behalf, arranging to encounter Grand Vizier Koca Yusuf during a stroll along the Bosphorus and "representing in behalf of Capn. Tisdale in his quality of a Russian officer." Yusuf promised to move Tisdale to the Seven Towers, along with his possessions and if possible, his liquor cabinet. Either Yusuf or Ainslie exaggerated: Tisdale remained in the officers' room in the Arsenal, and while he received some of his possessions, others were stolen.

Ainslie's intercession is nonetheless important, as is his wording: while Tisdale's British subjecthood attracted Ainslie's help, he did not invoke this in front of Yusuf. It probably had no legal weight under the Capitulations due to Tisdale's military service, and surely Ainslie did not wish to entangle Britain in the Russo-Ottoman conflict. Likely for the same reason, Ainslie dissuaded Tisdale from writing to George III with his thanks. Thus, Ainslie sidestepped the Capitulations; it was the personal relationship between Ainslie and Yusuf, not the letter of the law, that was decisive.¹⁵

Other members of the *Maria Magdalena's* crew soon deployed similar strategies, and other diplomats more directly took on the question of what "mischief" or "under arms" meant. This began with Zambeccari, whose political identity was ambiguous. His father was the Spanish minister at Bologna, and Ainslie considered him "an Italian," but he was in Russian service. To Taylesanizâde, he was "one of the Pope's sons," presumably because Bologna was Papal territory. On the other hand, the Ottoman state, and the Spanish envoy to Istanbul, saw Zambeccari as a Spaniard.¹⁶

Based on the latter understanding, the Spanish ambassador repeatedly requested Zambeccari's release. One petition gives a sample of the embassy's arguments: according to "the observed traditions of Europe," he had entered the Russian fleet to learn the art of war, and had tried to leave service when war broke out, but had been kept against his will. Most importantly, "because he was not taken in battle," he should be released out of friendship.¹⁷ This seems to have been an implicit argument that since Zambeccari *surrendered*, he should not be considered to have been taken "under arms."

Yusuf was repeatedly refused such Spanish requests. He recognized that other Capitulatory subjects had been captured, and feared that releasing Zambeccari would set a bad precedent—not a misplaced fear. Furthermore, frequent releases would be bad for Ottoman morale, because,

upon the soldiers of Islam who are on campaign hearing about this situation, not understanding that [these prisoners] are of the other states who are friends of the Sublime State, it is apparent that [this] will be a reason for idle talk and a cause of

¹⁴ This dilemma was common for Capitulatory diplomats: van den Boogert, *Capitulations*, 21–3.

¹⁵ TNA-FO 78/8 #22; Tisdale, "Memoirs," 108r–v; Sutherland, *Tour*, 181.

¹⁶ BOA-HAT 180/8144, 180/8145; TNA-FO 78/9 #3; Tisdale, "Memoirs," 118r, 182r; Emecen, *Taylesanizâde*, 254.

¹⁷ BOA-HAT 180/8144.

dispiritedness, [as the soldiers will] say “the slaves whom we captured, sacrificing our lives and souls, are being set free in Istanbul.”¹⁸

The Spanish envoy, however, had strong ties to the second-most-prominent Ottoman official, Kapudan Pasha Gazi Hasan, and persuaded him to order Zambeccari's release in January 1788, when he returned from suppressing a revolt in Egypt. This upset Yusuf, who feared creating a precedent and “being committed with the Foreign Missions,” so he and Abdülhamid ordered Hasan to return Zambeccari.¹⁹ The lieutenant was promptly seized from the house where he had been in quarantine, and was returned to the Arsenal. With the sultan's approval, Zambeccari was now put in a private room. Yusuf promised that he would be a guest of the Ottomans, fed and treated better than the other prisoners, and that “when the war is over, he will be freed.”²⁰ In fact Zambeccari did not have to wait this long: when Hasan became Grand Vizier in January 1790, he again released the lieutenant.²¹

Zambeccari's case quickly became entangled with those of several other captives, most notably Lieutenant Lombard. Before he tried to escape, but after Choiseul-Gouffier tried to arrange his parole, Lombard made legal claims. He was a close friend of Potemkin, who mentioned him frequently in letters to Catherine, and the empress honored Lombard by name in an elegy celebrating Russian victory at the end of the war. The two discussed asking the English to intervene on Lombard's behalf, but such orders never reached Ainslie. The Habsburgs also made attempts, but these were unsuccessful, as were later efforts, made through “friends of the Kapudan Pasha” to exchange captured Ottoman naval officers for Lombard.²²

The French envoy Choiseul-Gouffier had a better chance of securing Lombard's freedom, based on the lieutenant's heritage, even though he had more real ties to Malta and Russia than to France. When Hasan released Zambeccari in January 1788, Choiseul-Gouffier requested “that a concession which had been granted to the Spanish Envoy in behalf of an Italian, would not be refused at his request to a Subject of France.” This was not only unsuccessful but also, according to Ainslie, triggered Yusuf's re-imprisonment of Zambeccari.²³

Tisdale, Lombard, and Zambeccari were all well-connected, and had personal ties to the diplomats who requested their release. Captured enlisted men who originally hailed from Capitulatory states lacked such ties, but they still *were* foreign subjects. There were many of them in the Habsburg army, and as they began to come into Ottoman captivity in 1788, Yusuf's fears about being deluged with release requests came true. By the end of the war, such requests concerned nearly 200 captives. Some were accompanied by gifts, which foreign ambassadors saw as

¹⁸ BOA-CAS 47858. This answer stems from a later request, but seems to reflect Yusuf's attitudes throughout the war.

¹⁹ TNA-FO 78/11 #3. ²⁰ Emecen, *Taylesanizâde*, 254–5.

²¹ BOA-AEASBH 4/431; BOA-CAS 47858; BOA-CHR 8097; TNA-FO. 8/9 #3; Tisdale, “Memoirs,” 111r–v, 127v; Ferrières-Sauveboeuf, *Voyages Du Comte*, I:92; Emecen, *Taylesanizâde*, 254–5.

²² Lopatin, *Lichnaia Perepiska*, 245, 257, 327; *L'Éloge de La Paix*.

²³ TNA-FO 78/9 #3; Pingaud, *Choiseul-Gouffier*, 204.

tantamount to ransom, but the Porte did not officially see it that way.²⁴ On at least some occasions captives themselves took the lead, finding some means to contact their states' envoys. The resulting arguments often centered on the "mischief" or "under arms" issues, but they ranged more widely, over Capitulatory states' responsibilities during wartime, and the Porte's responsibilities *after* wars ended.

The main factors involved in these debates are best seen through the case of fifty-seven Habsburg soldiers who defected *en masse* to the Ottomans in the spring of 1788. Almost all of them were neutral subjects (French, Dutch, Prussian, Polish, Danish, and Swedish) and they seem to have planned on using this fact to their advantage—indeed, Ainslie believed that they had made "a prior application, with promise of being pardoned and sent home." Ottoman documents show no such advance agreement, but upon confirming, through individual questioning, that these were neutral subjects who had come of their own volition, Yusuf suggested to Abdülhamid that the Frenchmen be given to the French mission. Their arrival surprised Choiseul-Gouffier.²⁵

Ottoman officials, like others throughout Europe, were often suspicious of deserters from both their own and enemy armies, whom they linked to banditry.²⁶ Now, however, Yusuf argued that these men, as defectors, were different both from prisoners who had been captured in battle, and lawless deserters. Thus, even though the non-French deserters were not requested by their ambassadors, Yusuf recommended that they should not be made to work, and should be given special quarters in the Arsenal and a maintenance allowance. Upon their arrival in Istanbul, however, his rival Gazi Hasan ordered them sent to the Dardanelles fortresses, cautioning against giving them a chance to flee. European observers differed on whether the captives had gone voluntarily to the Dardanelles, or by force, and whether Ottoman policy was likely to encourage or discourage future desertion—reflecting larger debates over Ottoman prisoner treatment.²⁷

Over the next two years, the diplomats of the non-French deserters' states' repeatedly requested their release. Abdülhamid was willing to free three Poles, but the Council, and Yusuf, dissuaded him. They feared the Spanish would again demand Zambeccari, and the other missions would join in. After his accession in 1789, Selim continued to refuse, displaying an impulse toward political categorization which will become familiar: he asked what business subjects of a friendly state had in an enemy army. Finally, after the Prussians convinced him to release some of their subjects (discussed below), Selim agreed to give Poles the same benefit. Despite warning he would grant no more such requests, he later released three more, and then another thirty-nine, to reciprocate for their state's provision of safe conduct to sixteen Ottoman Muslims who had escaped from the Russians.

²⁴ TNA-FO 78/10 #36; Pingaud, 206.

²⁵ BOA-HAT 22/1087; TNA-FO 78/9 #14; Pingaud, 206; Bayram, "Enverî Târîhi," 397–8. Ainslie claimed they were part of a larger group of 500, mostly Hungarians, who had agreed to serve against the Russians, but there is no other evidence for this.

²⁶ TNA-FO 78/1 1#1; Faroghî, *World around It*, 115; Ruff, *Violence*, 55.

²⁷ BOA-CHR 8630; BOA-CZB 593; BOA-HAT 22/1087; TNA-FO 78/9 #14, #17; Ferrières-Sauveboeuf, *Voyages Du Comte*, I:94, II:292.

Throughout, the Ottomans refused to concede that they were *required* to release any of these captives.²⁸

THE LAW OF NATIONS, OR THE LAW OF RELEASE?

Faced with the ambiguities of what “mischief” meant under the Capitulations, some diplomats looked for other arguments. One option was the scholarly discourse of the Law of Nations, but this worked no better than it had for the Austrians. For example, in 1790 Choiseul-Gouffier appealed to the Porte to release a man named Lazaro. While Lazaro was registered as a Venetian subject, he had been serving aboard a French-flagged merchant ship. When a number of Algerian sailors encountered the ship at sea, they claimed to recognize Lazaro as a former corsair, enslaved him, and somehow brought him to the Arsenal. Choiseul-Gouffier’s dragoman did not deny Lazaro’s past, and indeed admitted that he would not object if Lazaro had been captured while aboard a corsair vessel. However, his abduction from under the French flag was “in contravention of the laws of nations,” “contrary the traditions of states,” and a violation of the Capitulations. This argument turned on the ship’s flag, not on Lazaro’s subjecthood, because he was not a French subject. The Council was unimpressed by these arguments, and removed the language of “the laws of nations” from a summary presented to Selim. The sultan, in rejecting the request, asked why Lazaro, as a corsair, had not been executed. “If this had been done,” he noted, the French “would not have a claim.”²⁹ But as a Venetian subject who had attracted the interest of the French, it would have been difficult for Selim to execute him. Lazaro apparently remained in the Arsenal.

There were, however, other legal arguments that the Porte would consider beyond the Capitulations. In July 1789, Selim released five Prussians, out of an original fifteen who had been part of the fifty-seven deserters discussed earlier. After this, however, he was less forgiving. Four more Prussians arrived in the autumn, and the envoy petitioned for their release while admitting that he did not know the circumstances of their capture, and thus whether or not they were protected by the Capitulations. Selim again objected to the subjects of a friendly power serving in enemy forces, but the Prussian dragoman protested that his state was in the center of Europe; it could not prevent its subjects from leaving, and these captives had not received their king’s orders recalling his subjects from foreign service. Furthermore, the dragoman argued, “it is obvious that it is not necessary to change the enmity or friendship which one state shows for another, due to the actions of a few common individuals.”³⁰

Ultimately, Selim was convinced by one further argument: the Prussians emphasized that if these four, who had been in Austrian service, were kept until the conflict

²⁸ BOA-HAT 15/631, 15/636, 190/9111, 190/9187, 228/12688, 205/10734, 1396/56035, 1397/56055, 1397/56088, 1397/56142; BOA-CAS 47858; BOA-CHR 1279.

²⁹ BOA-HAT 191/9225, 191/9225A. Selim seems to have misremembered his own order to kill Ottoman Greek corsairs, discussed in Chapter 8.

³⁰ BOA-HAT 178/7890; see also BOA-HAT 184/8596, 187/8896, 1385/54916; TNA-FO 78/9 #29.

ended, they would be returned to, and would strengthen, their Habsburg employers. In other words, the Prussians were able to leverage the expectation that the Ottomans' war with Austria would end with a peace treaty freeing all captives. Choiseul-Gouffier made a similar argument in 1791, when requesting the release of a corsair. He, like the Prussians, contended that peace was imminent, and would surely include the release of prisoners. So, he asked Selim, why not release the captive now to the French, and gain their gratitude? The sultan grudgingly agreed.³¹

This sense of leveraging expectations was another independent basis on which Capitulatory powers' diplomats could make claims. It arose not from the Law of Nations or from the Capitulations, but from the Russo-Ottoman rules of captivity, specifically the Law of Release. The assumption that it would be renewed operated almost as a form of customary law, conditioning the parties' expectations and providing an overhang in the shadow of which they bargained, each attempting to improve on the outcome that they knew would result if they did not come to an agreement.³²

In 1790, Selim and several ambassadors devised a more systematic, and innovative, way to cut through the conundrum of whether to release Capitulatory subjects. This began with yet another Prussian request, for Selim to free still more Prussian subjects captured in Habsburg service. The Prussian mission claimed these six men had been forced into Austrian service—once again, a suggestion that they had not been properly taken “under arms.” Selim first wrote above this petition “let them be given,” but then crossed this out. “In this matter, doubt has come to me,” he wrote. He still agreed to the release, “but take one document from each of the ambassadors. If one more of anyone's prisoner[s] is found, by God, I will not give him.”³³

Selim and his advisers pursued this idea of binding the ambassadors, and foreign diplomats themselves accepted it. In March 1790, the Dutch embassy submitted the last in a long series of petitions for the release of six prisoners who had arrived with the fifty-seven deserters almost two years earlier.³⁴ Selim agreed, but only “with the stipulation that hereafter no Dutchmen will be found in the enemy armies.” (Still, he made an exception in late 1790, releasing a Dutch officer in Russian service, because the Dutch were involved in mediating the Peace of Sistova.)³⁵ In April, the Polish mission preemptively accepted these terms, promising that if forty-six captives were released, orders would be issued prohibiting Poles from serving the enemies of the Ottomans in the future.³⁶

Thus Selim cut through the dilemma that had troubled Ottoman and European officials for decades, settling the political question by creating a new set of rules—while still leaving the original scope of the Capitulations and the definition of “mischief” or “under arms” unclear. The principle underlying the deal seemed to be that neutral states had a responsibility to prevent their subjects from entering enemy armies, because this damaged relations with the Ottomans.

³¹ BOA-HAT 200/10197, 1386/55021, 1398/56224, 1398/56226, 1400/56348, 1400/56359, 1400/56389, 1411/57483.

³² See Mnookin and Kornhauser, “Shadow of the Law.”

³³ BOA-HAT 1385/54907; TNA-FO 78/11 #11.

³⁴ BOA-CHR 1274.

³⁵ BOA-HAT 179/8045, 213/11573; TNA-FO 78/11 #24.

³⁶ BOA-CHR 5573.

This principle was not unique to the Ottoman context. The late eighteenth century saw the flowering of the legal institution of neutrality—the concept that one state could stand apart from a war between two other states, retaining its legal immunity to attack in return for evenhanded conduct toward the belligerents. In the nineteenth century, neutrality became a vital tool for preventing conflicts from spreading out of control.³⁷ As a result, European states faced the same problem the Ottomans did: what about neutral subjects serving in an enemy army? To avoid being drawn into conflicts, many states in the Atlantic world passed laws forbidding their own subjects from enlisting in the army of a belligerent.³⁸ Such bans were arguably not *required* by international law, but several states instituted them on a short-term basis in the eighteenth century, before the United States made the practice systematic with its 1794 Neutrality Act. It is unclear if Selim knew of such bans, but he demanded similar measures from his Prussian, Danish, and Polish interlocutors—probably driven by the same logic, rather than any sort of cultural imitation. While the Ottomans did not accept arguments based on individual rules drawn from the Law of Nations, some of the Porte's own legal principles were starting to look similar to those accepted between Atlantic states. Indeed, the Ottoman state itself embraced the principle of neutrality, apparently for the first time, a few years later in 1793.³⁹

It is unclear what measures, if any, were taken to enforce Selim's deal in Poland, the Netherlands, or Prussia. However, in Istanbul, at least, it may have endured. Neutral powers do not seem to have requested their captured subjects during the 1806 War. On one occasion, the Ottomans did release neutral subjects, but this was on the Porte's own initiative. In July 1810, two French soldiers defected from the Russian army to the Ottomans. They claimed that the Russians had captured them from Napoleon's Grande Armée during the War of the Fourth Coalition (1806–07), and pressed them into the Tsar's service. Grand Vizier Yusuf Ziya Pasha realized that the Russians should have returned these men to France, under the 1807 Franco-Russian Treaty of Tilsit. With the explicit goal of embarrassing Napoleon and fomenting disputes between France and Russia, Yusuf Ziya and Mahmud decided to turn over the captives to the French mission in Istanbul. There is no indication of a French request.⁴⁰ Selim's deal, then, seems to have ended the protracted disputes of the 1787 War about neutral subjects' captivity.

SHIFTING SUBJECTHOOD

When neutral diplomats did make claims, they invoked captives' subjecthood. In both the Law of Release and the prisoner-of-war system, treaties and custom increasingly determined individuals' fates based on their political identity—the sovereign to whom they were subject. Yet as Zambeccari's and Lombard's cases

³⁷ See Abbenhuis, "Neutrality and Europe."

³⁸ Thomson, *Mercenaries*, 10, 55–69, 78–82, 180.

⁴⁰ BOA-HAT 833/37586, 998/41896.

³⁹ Gönen, "State System," 64.

show, individuals' subjecthoods were far from obvious or easily proven. Was Zambeccari Spanish? Was Lombard French? As Lauren Benton has observed in a different context, such ties could be both "vitally important and a matter of interpretation."⁴¹ As a result, captives found that creative assertions, made in the legally correct manner, could change the Porte's decisions.

This was particularly important when captives' interests diverged from those of the diplomats requesting their release. While the former petitioned to free the latter from Ottoman captivity, they might have different ideas about what should happen after that point—or even whether escaping captivity was preferable to that outcome. Even as diplomats negotiated with the Porte, then, captives also negotiated with both. We have seen this in the context of Russian military service, with the 1792 labor strike, and it also applied for captives from Capitulatory states. There were two main reasons why captives' interests may have conflicted with those of their states: corsairing and desertion.

The former situation is illustrated by two intriguing cases of corsairs who were, or claimed to be, Venetian. One such captive, Nikola Klaveryaki, was registered in the Arsenal as Russian, but the Ottomans believed he was actually from the island of Zakynthos/Zante—and therefore a Venetian subject. Whether or not he had been in Russian service, he may have hoped that if he were held as a Russian-affiliated prisoner, rather than a corsair, he would not have to row on the galleys and could benefit from the aid Russian prisoners received.⁴²

For another Venetian, affiliation with that state was more beneficial. Kozma Barbarigo was a merchant, captured in late 1789 and sent to the Arsenal along with other privateers. Tisdale seemed uncertain about Barbarigo's activities, but listed him among the Russian captives. When the Venetian ambassador requested Barbarigo's release, promising to punish him for his actions, the critical question became whether Barbarigo was truly Venetian. The ambassador, in his petition, noted that Barbarigo had previously traveled to Istanbul with safe passage papers from both governments, describing him as Venetian. Furthermore, the Venetians did not actually claim that Barbarigo was native to the Venetian island of Kythera/Çuka, only that he had lived there for several years. He may very well have been a native of nearby Ottoman territories. Nevertheless, Selim agreed to his release as a Venetian subject—warning that he did so only on the condition that the Venetians would punish Barbarigo. He was indeed handed over in January 1790.⁴³

Other captives had an uneasy relationship with their own states because they were deserters. As in the case of the fifty-seven noted above, a substantial number of soldiers in Habsburg service were native to other European states, and some of them defected to the Ottomans. Indeed, at least a few had originally deserted from their *own* states' armies, before enlisting in the Habsburg forces, and now defected for a second time.⁴⁴ In essence, such men had taken their military abilities—which

⁴¹ Benton, "Legal Spaces," 713.

⁴² BOA-HAT 1397/56040, 1397/56083.

⁴³ AVPRI-KM 90/1/1055 13r; BOA-HAT 1390/55353, 1389/55308; Tisdale, "Memoirs," 127r–128r.

⁴⁴ TNA-FO 78/10 #29, 78/11 #26; Pingaud, *Choiseul-Gouffier*, 206. For desertion see generally Muth, *Desertion*; Showalter, "Review of Muth."

may have been forced upon them through conscription—and used them to secure employment elsewhere. Returning them to their original state's service was often a priority for diplomats. French ambassadors to Istanbul in the eighteenth century were specifically ordered to recover deserters from the French army who had enlisted with the Habsburgs or Venetians, and then escaped to Istanbul.⁴⁵ This explains the constant refrain of foreign petitions, asking for captives to be set free *and given to the requesting ambassador*.

The indeterminacy of subjecthood, however, gave captives maneuvering room. For example, three prisoners whom the Polish envoy requested in August 1789 had all been initially recorded in the Arsenal register books as Austrian—perhaps because, when captured, the prisoners did not realize Polish subjecthood could be beneficial. Of four Prussians whose release became an issue a few months later, only two were registered as such (“Brandenburg”); the other two were initially listed in Ottoman records as Austrian. Likewise, when the war ended, Habsburg diplomats requested the release of eleven Austrians, all of whom had been registered as Russian or Venetian. These captives may have hoped for better treatment as Russians, or for early release as Venetians, or they may have been taken in Russian service, wearing Russian uniforms.⁴⁶ In all these cases, it seems likely that either captives or diplomats might claim whichever subjecthood, within the bounds of plausibility, would be most helpful.

In the absence of any other documentation, the Arsenal's records were often the only written proof to substantiate embassies' or prisoners' claims. Therefore Selim, before deciding a case, frequently asked the officers of the Arsenal to copy out the relevant prisoners' registration, providing information legible to the bureaucracy and to Selim's instinct for categorization. He sometimes used this evidence to oppose foreign claims, as in the case of fifteen Prussians requested in the autumn of 1790.⁴⁷ After the sultan asked how they were captured and “are they Prussian?” it was found that the nine who remained in the Arsenal had been registered at first as Austrian, but now declared they were Prussian.

The Prussian dragoman insisted that they were in fact Prussian. He also pointed out that whatever the truth of the matter, it would be better for the Ottomans to hand these prisoners over to Berlin, than to return them to Vienna after the war. This (along with the prospect of a Prussian–Ottoman alliance) persuaded Selim, but he insisted their release wait until a truce with the Austrians had been signed, so that other states would not begin requesting their own subjects. Here again, as we saw above, diplomats found they could leverage the now-expected renewal of the Law of Release.

Most interesting, however, is the situation of one other prisoner in this group. He had, like the others, originally been registered as Austrian. But now, rather than declaring himself a Prussian, he told the Arsenal's officers, “I am Austrian, I am not

⁴⁵ DuParc, *Ministres de France*, 29:309–11, 351, 377–8. For similar dynamics in North Africa, see Weiss, *Captives and Corsairs*, 96, 104.

⁴⁶ BOA-HAT 184/8596, 195/9699, 1409/57191, 1409/57193, 1409/57231; Tisdale, “Memoirs,” 151v.

⁴⁷ BOA-HAT 190/9165, 191/9214, 194/9654, 196/9763; TNA-FO 78/11 #26, #29.

Prussian.”⁴⁸ Whatever this man’s birthplace, home, or loyalty, he must have known that he was refusing early release from the Arsenal. Perhaps he was truly a Habsburg subject, who preferred to wait for peace and return home, rather than be enrolled in the Prussian army. Or perhaps, like others, he had deserted from the Prussian armed forces, and did not wish to return. In either case, it seems he was self-consciously using an assertion of political subjecthood to manipulate the Ottoman law of captivity. Nevertheless, he was given to the Prussians with his fourteen comrades. How had the state determined that he was “really” Prussian? There is no indication; perhaps a dragoman, or other prisoners, reported that his accent was that of Berlin rather than Vienna, or that he had revealed his hometown. In the absence of documentation, claims like his were possible, if not always successful.

By the end of the 1787 war, then, Europeans ranging from individual soldiers to well-connected officers to diplomats had all learned that they had room to negotiate with the Ottoman state when they (or their states’ subjects) were in the Porte’s custody. But in doing so, they could not rely on the institutions of the Law of Nations. They turned, instead, to the Capitulations and the principles of the prisoner-of-war system and the Law of Release. This move shaped the arguments they could make, the identities they assumed, the debates that ensued, and the results they achieved.

PEACE TREATIES

As the nineteenth century dawned, European states went further. First Poland, then Austria, then France, and then (less clearly) Britain, and even Iran, adopted elements of the Law of Release. Here, during the Age of Revolutions and the Ottoman “global moment,” the conventional story of international law moving outward from western Europe was reversed. Atlantic powers directly adopted rules developed in the Black Sea, insofar as they dealt with the Ottomans. The Porte thus became the center of its own regional law of captivity. This was, to be sure, a system of *bilateral* arrangements; it did not affect the French treatment of Russian prisoners, for example. And the moment was soon reversed. But it was no less remarkable, and worth reconstructing, as the high water mark of the Russo-Ottoman law’s extension.

This occurred first with Poland. The Ottomans had authorized the enslavement of Poles during the 1768 War, claiming that some had broken their friendship. The 1774 Russo–Ottoman Treaty of Küçük Kaynarca required their release, but the Polish government also became involved by 1779. Polish envoys persuaded the Porte to send specific orders down the military routes of Rumelia and Anatolia, commanding the ransom-free liberation of Poles enslaved during the Ottoman incursions of the previous war.⁴⁹ The Porte described the Poles’ enslavement as “mistaken,” and implicitly illegal, presumably because the Polish–Ottoman treaties had remained in force. In one sense, this was not new, as Capitulatory powers had

⁴⁸ BOA-HAT 196/9763.

⁴⁹ BOA-CADL 1838; BOA-CHR 3008, 7635, 7637; BOA-DVE 7/28, 7/71.

long asked the Porte to remedy their subjects' occasional illegal enslavement. But these orders came immediately on the heels of the 1774–75 Russo-Ottoman release process, and, unlike in the past, echoed those orders in their phrasing and geographic extent. It seems likely that the Polish mission and Ottoman officials drew on the precedent set by the Russo-Ottoman Law of Release.

Matters are clearer twelve years later, at the end of the 1787 War. The Ottomans extended the prisoner-of-war system to Habsburg captives during the conflict, and they did the same after the war, with the Law of Release. As we have seen, all parties throughout the war understood that prisoners in state custody would be released when the war ended. Even before the Treaty of Sistova was signed, in August 1791, the Austrians and Ottomans had exchanged military captives. At least 578 Habsburg prisoners were sent in groups, accompanied by translators and doctors appointed by Choiseul-Gouffier, from the Arsenal, the Seven Towers, and the Dardanelles castles to Ruse. They were exchanged for over 1,500 Ottoman captives, who returned via Vidin. Others were exchanged in Bosnia, apparently without central state involvement—indicating again that Bosnian captivity remained largely outside central state networks.⁵⁰

Beyond those in state custody, Ottoman forces had privately enslaved thousands of civilians after victories in early 1788. After the last Ottoman–Habsburg peace treaty—the 1739 Treaty of Belgrade—the Austrians had continued paying ransoms for captives. With the Treaty of Sistova, however, they joined the Law of Release.⁵¹ The agreement echoed Ottoman–Russian agreements, mandating that all captives be returned without ransom, except for those who converted voluntarily.

Even more revealingly, both the Ottomans and the Austrians, as they worked out the treaty's implementation, drew on the unwritten or informal customs of the Russo-Ottoman Law of Release. As they had before, the Ottomans appointed a liberation commission, staffed by scribal and religious officials. Selim agreed to pay 100 piasters for each freed captive, explicitly based on the precedent set in the 1770s. An exception was made for some high state officials, who were to receive only fifty or sixty-five piasters—perhaps suggesting that they were expected to set an example of obedience, or that their compliance was easier to monitor and enforce, so fewer incentives were needed. As before, non-Muslim owners were at first not to receive compensation, but later they began receiving the usual 100 piasters. Perhaps the Porte had realized that, with slaves' market values reaching 500–1,000 piasters, a completely uncompensated return would be unworkable.⁵²

By January 1792, orders and couriers were sent to the provinces and the districts of Istanbul to find captives, “certify and [make] apparent” their faith, and hand them over to the Austrian ambassador or consuls.⁵³ An Ottoman liberation commission

⁵⁰ BOA-HAT 30/1405, 123/5099, 211/11463, BOA-CAS 3917, 31720, 51103; BOA-CHR 1605, 1860, 3437, 6920, 8287; BOA-CML 2764; BOA-DVE 64/16; Tisdale, “Memoirs,” 134r.

⁵¹ Noradounghian, *Actes Internationaux*, 1900, II:9–10.

⁵² BOA-CADL 649; BOA-CHR 2291, 4929; BOA-CML 16743; BOA-HAT 1401/56477; BOA-MADd 19588; Ahmed Cavid, *Müntehabât*, 701; Demircioğlu, “Askeri Kassam,” 74, 179, 194, 242.

⁵³ See also BOA-CHR 1746, 1817, 2419, 4929; BOA-HAT 1401/56477; BOA-MHMD 186 #37; TNA-FO 78/12A #29.

was appointed, as in the 1770s.⁵⁴ Other orders were sent even further afield, as far as Baghdad and Aleppo. As before, replies from judges and other authorities are scattered around the Ottoman archives.⁵⁵ All of these measures had near or exact precedents in earlier Russo-Ottoman procedures.

Indeed, even when they disagreed, both states saw the Law of Release as a starting point. The Austrian envoy Herbert-Rathkeal repeatedly requested that he be allowed, as the Russians had been, to send his own representatives with the Ottoman commissioners. The Porte refused, at least initially, arguing that the treaty did not explicitly provide for conformity with Russian precedent in this particular regard. Following the familiar pattern of Russo-Ottoman diplomatic conflicts, the Austrians several times reported the existence of unreleased slaves (1,000 at Vidin, or 200 at Bursa, for example), sometimes claiming that owners hid captives or sent them to more distant cities. The Porte generally responded with specifically targeted orders. Thessaloniki and its surroundings were again centers of resistance, necessitating repeated follow-up orders.⁵⁶ Veshnyakov and Peterson, the earlier Russian *chargés d'affaires*, would have recognized these disputes.

NEW WARS, OLD RULES

A decade later, so would France. When Napoleon invaded Egypt in 1798, the Ottomans found themselves at war, for the first time, with an Atlantic power—and allied with Russia. The Ottoman prisoner-of-war system, developed through wars against Russia, continued and even expanded during this conflict. The state paid soldiers for handing over captives and the heads of those killed in battle (or, occasionally, those killed after capture), and the Porte's British and Russian allies were initially willing to hand over some captives to the Ottomans.⁵⁷

Prisoners of war were distinguished from slaves, and imprisoned in state custody, along with French subjects whom Selim ordered detained when war broke out. The Arsenal's population swelled to over 1,500, and Selim ordered that new guards be hired—indeed, he complained that the Arsenal director in the 1787 War had been negligent. While the captives were made to work, their labor was not “excessive,” and few if any were forced to row on galleys. Nevertheless, some—perhaps imprisoned French mariners—were employed on Ottoman sailing ships. Those in the Arsenal, like Lombard in the previous conflict, considered an escape plan involving a mass revolt, and this may have been one reason some were moved to other towns. Outside the Arsenal, more than 300 French captives were held in

⁵⁴ BOA-CHR 28, 7026.

⁵⁵ BOA-CADL 693, 1308, 1473, 2741, 4291, 4960, 4987, 5052, 5396, 6345; BOA-CDH 14286, 16818; BOA-CHR 217, 235, 352, 1817, 2006, 2064, 4929, 7599; BOA-DVE 64/51, 64/56, 64/69, 64/70; BOA-HAT 1417/57940; BOA-MHMd 186 #435.

⁵⁶ BOA-CHR 8295, 8296; BOA-DVE 66/50; BOA-HAT 226/12590, 1401/56456; BOA-İEHR 1740; BOA-MHMd 186 #118, #232, #530; HHStA-StAbt-TII 103 #15.

⁵⁷ For Ottoman captivity in this conflict, see generally Şakul, “Pouqueville's Frenchmen.” For this paragraph in particular, see also BOA-CHR 1453; BOA-HAT 83/3446F, 1364/53948; Walsh, *Journal*, 121–2, 129; McKnight, “Ionian Republic,” 81, 123, 136.

provincial fortresses, and their conditions seem to have varied. In response to reports that some captives held at Demotikon/Dimetoka were mistreated, the Porte ordered them moved to Istanbul.⁵⁸

Despite such efforts, disease, close confinement, and sometimes chains continued to afflict prisoners in the Arsenal, and their condition was by no means safe or comfortable. Indeed, Şakul shows that the Russian Admiral Fyodor Ushakov, concerned over French prisoners' mistreatment by local strongman Ali Pasha of Yannina/Ioannina, stopped turning over captives. The French and British also proposed an Ottoman–Russian prisoner exchange during the war, but it is unclear if this occurred.⁵⁹ Thus, European and Russian discourses about the relative conditions of Ottoman prisoners of war intersected with military policies.

It is unclear if Ali's practices were worse than those of the Porte itself, but his Albanian irregular forces appear to have been reluctant to grant quarter. His involvement suggests that captivity remained more uncertain, and private enslavement or even execution more likely, at the fringes of the Porte's networks of authority. North African corsairs enslaved some Frenchmen, and when one such ship, from Tripoli, put into the Ottoman port of Navarino with twenty French captives aboard, the local judge said nothing—except to ask the Porte for instructions on what to do with five of the captives who had escaped. He seemed to feel it would be improper to return them to the Tripolitarians, but also saw no reason to interfere with the other fifteen Frenchmen still held on the ship. Likewise, provincial notables in Amasya and Tokat seized some French captives and sold them.⁶⁰

Nevertheless, the Porte made systematic efforts—even more than in previous Russo–Ottoman wars—to collect captured enemy subjects. This now included not only military men, but also noncombatants. In March 1800, for example, the Porte ordered that five Frenchmen, whom a corsair named Giridî Salih had taken from a Spanish ship and then sold, be seized and sent to the Arsenal. Salih had apparently also captured Spanish subjects, but they were not included in these orders, suggesting that enemy subjects had a special status. Likewise, when the Porte learned in 1801 that a French woman had been seized as private property, she was taken into state custody, and the informant given fifty piasters.⁶¹

The Russo–Ottoman rules also worked their way into peacetime. The Franco–Ottoman peace treaty, signed on 26 June 1802, required both sides to release, without ransom, captives “connected” to the other state.⁶² This followed the Russo–Ottoman precedent that the law of release only concerned the subjects of the two states, or those in their service—not others.

⁵⁸ BOA-CBH 312, 1835, 4220, 7158; BOA-CHR 1991, 3485; BOA-DBŞMd 41624; BOA-HAT 245/13800; Slade, *Records of Travels*, II:367; Şakul, “Pouqueville's Frenchmen,” 192.

⁵⁹ BOA-HAT 253/14415; Şakul, “Pouqueville's Frenchmen,” 173.

⁶⁰ BOA-HAT 164/6844A-B; Şakul, “Pouqueville's Frenchmen,” 187.

⁶¹ BOA-CBH 9586; BOA-CDH 5149; BOA-CHR 7948.

⁶² BOA-DVEd 29/4 p. 36; a slightly different French version is in Noradounghian, *Recueil*, II:53. This was separate from the more famous treaty between the French, British, and others signed at Amiens. See Şakul, “Global Moment,” 430, 454.

The Ottoman state implemented the agreement by promptly releasing its prisoners, some even before the treaty was finalized. By May 1802 the Arsenal was nearly empty. However, French diplomats, like their Russian and Austrian predecessors, worried about slaves in private hands. So in November 1802, the French chargé d'affaires requested general release orders, explicitly asking that these be analogous to those issued for Austrian and Russian captives after the 1787 War. Accordingly, instructions were sent to the military routes of Anatolia and Rumelia for the "making apparent" and release of captives in private hands, without ransom, and without regard to any excuses offered, with the exception only of converts, who were to be summoned to court and interrogated in the presence of a French representative. At least some slaveowners attempted to hide their captives, as before. All of these procedures, of course, followed precisely the Russo-Ottoman rules. Given that most French captives had been taken in the Mediterranean, Egypt, and greater Syria, it seems that the sending of orders to Rumelia and Anatolia was if anything too much an imitation of Russo-Ottoman tradition. Indeed, French diplomats later complained that captives were being held in Tarsus, beyond the usual reach of the Law of Release. This procedure departed from precedent in one important way, however: no compensation was mentioned for French slaves. That change made its way into the Russo-Ottoman Law of Release a few years later, after the 1806 War.⁶³

France's Atlantic rival, Britain, also came into conflict with the Porte during the Napoleonic Wars. This short-lived war, fought in 1807–09, did not produce many prisoners. A few British sailors were captured during Admiral Duckworth's attack on the Dardanelles; they were taken into state custody and interrogated, with their captors receiving a reward, but they were soon released. As before, forces commanded by provincial notables followed different rules, but still felt compelled to send at least a few captives to Istanbul. Egyptian strongman Mehmed Ali claimed to have captured 485 British soldiers in Egypt, but dispatched only two officers to the center, where Sultan Mustafa IV remanded them to the Arsenal.⁶⁴

During a truce in the autumn of 1807, the Ottomans ordered the release of these two, along with a British officer held in Thessaloniki, and promised to secure the freedom of any others in the empire. In the final 1809 agreement, prisoners were the first issue addressed, immediately after declaring that hostilities were ended—as if release were an automatic corollary of peace. Captives on both sides were to be liberated within one month, and sooner if possible. Ransom was not even mentioned. There is no clear evidence that these terms were based on the Russo-Ottoman law of release, or on the French–Ottoman agreement of 1802, but this peace agreement was certainly consistent with those precedents. This paralleled British–Ottoman relations more generally in the long eighteenth century, which Michael Talbot argues operated "within the cultural conventions of the Ottoman state." Here, that meant the Law of Release.⁶⁵

⁶³ BOA-CBH 10119; BOA-CHR 3047, 5735, 6176; BOA-DBŞMd 41640; BOA-DVEd 30/5 #1660; Şakul, "Pouqueville's Frenchmen," 186–7.

⁶⁴ BOA-HAT 1358/53276; Yeşil, "Kriz," 473–4.

⁶⁵ BOA-HAT 1444/59399; TNA-FO 78/56 #14, #15, #16, #17; Noradounghian, *Actes Internationaux*, 1900, II:82; Yilmazer, *Sâni-zâde*, I:239; Talbot, *British–Ottoman Relations*, 16. Others

Similar principles applied to captivity during and after the Ottoman–Qajar war of 1821–23. This brought the Law of Release full circle back to Iran, whose ruler Nadir Shah had first gained the right to ransom-free release. Ottoman forces—even tribal irregulars—were apparently expected to turn their captives over to the central state. They may not have done so, but the expectation itself seems to have been a break with practices during frontier clashes in the 1770s.⁶⁶

The 1823 Treaty of Erzurum essentially renewed the terms of the 1746 Treaty of Kurdan, but it avoided “sectarian invective” and “within its framework shah and sultan were treated as equal and sovereign Muslim leaders.”⁶⁷ Like the Treaty of Kurdan, this agreement allowed captives who wished to return home to do so, and banned the buying and selling of Iranian slaves. The Porte funded convoys of freed captives returning home. These were not quite the terms of the Russo-Ottoman Law of Release, but they echoed the Iranian–Ottoman agreement of the 1730s. Captivity had come full circle. The ransom-free release of Iranian slaves was no longer a special favor granted during delicate diplomatic negotiations, to a fellow Muslim power. It was now the standard Ottoman way of dealing with captivity after wars ended.

This exemplified the general expansion of the Ottoman-Russian rules of captivity. Neutral ambassadors learned to ground their arguments not in the discourses of the Law of Nations, but in the Capitulations. Even better, they could leverage the Law of Release itself, or accept the terms of neutrality that Selim III demanded. Captives, too, came to understand which arguments and assertions might serve their interests, most notably claims of subjecthood. When other states fought, and then made peace with, the Ottomans, they were also absorbed into the Law of Release. The Ottoman-Russian Law of Release, and prisoner-of-war system, had become a set of general Ottoman-international rules, applicable when dealing with all of the Porte’s sovereign rivals and interlocutors.

have suggested European participation in indigenous legal arrangements; see, e.g., Benton, “Legal Spaces”; Ward, *Networks of Empire*, 184.

⁶⁶ BOA-HAT 2/1, 514/25140A, 772/36210A, 798/37005; Perry, *Karim Khan Zand*, 196.

⁶⁷ Masters, “Treaties of Erzurum,” 9–10. See also BOA-CHR 6578.

Those Left Out

Kabudlı Mustafa Vasfi Efendi, an Ottoman irregular cavalryman, had a long career fighting on behalf of various Ottoman notables, and Sultan Mahmud II. As he recounted in his 1834 memoirs, his enemies varied, from Russians to Greek Christian rebels to Muslim Kurdish tribesmen. When possible, Mustafa Vasfi reveled in taking slaves, especially women—to turn in for a reward, to sell, or to exploit sexually. He classified most of those he fought as “infidels,” but he also recognized that there were differences in the legal structure for fighting, and capturing, various infidels. When opposing rebellious Greeks, Kabudlı Vasfi noted, his father told him that “this war is not a chivalrous war” (*kıral cengi*).¹ Implicitly, this was not true of other conflicts, like those against Russia.

Mustafa Vasfi’s comment hints that even as the Ottoman law of captivity expanded to include other sovereign states at the close of the eighteenth century, it also left out many of those who fought against the Porte, or were enslaved by Ottomans. Rebels, corsairs, and slaves trafficked into the Ottoman Empire remained either unprotected through the prisoner-of-war system, ineligible for the Law of Release, or both. These exclusions turned largely on whether or not captives could claim legal subjecthood of a major state. Those who had no such claims—including people who hailed from the Ottoman Empire—had far fewer protections than those who were Russian, Austrian, Iranian, British, or French subjects. This distinction became systematic as the Ottoman state dealt with corsairs during and after the 1787 War, and it was applied in a more widespread manner to rebellious Serbian and Greek populations in the first third of the nineteenth century. Throughout, slaves *sold* into the empire (such as Circassians, Africans, and Georgians) also remained outside the prisoner-of-war system and the Law of Release. While captives’ religion and their ransom and labor values remained important economically, socially, and politically, subjecthood was paramount in law and state policy.

Before tracing the status of corsairs, rebels, and slaves in turn, however, it is important to note again that different types of enemy subjects, even in wartime, received different protections. The Law of Release pertained to all enemy subjects when wars ended, but the prisoner-of-war system was limited to combatants. It remained legal, and acceptable, for Ottoman soldiers to enslave enemy civilians when they could. But between 1788 and 1853, organized Ottoman forces had

¹ This is Schmidt’s translation: Schmidt, “Ottoman Horseman,” I:177, 226. For Mustafa Vasfi, see also Aksan, *Ottoman Wars*, 295–6; Şimşek, “Little Mehmeds,” 287, 300; Esmer, “Precarious Intimacy”; Esmer, “Ottoman ‘Irregular.’”

almost no opportunity to invade foreign territory during major wars. Therefore, almost all of those captured during the Ottoman–French war of 1798–1802, the Ottoman–British war of 1807–09, and the Russo–Ottoman 1806 and 1828 Wars were combatants, whose status was governed by both the prisoner-of-war system and the Law of Release. But this was a matter of contingency, not of law. This chapter, by contrast, deals with those who were excluded from *both* the prisoner-of-war system and the Law of Release, outside of major wars.

OTTOMAN GREEK CORSAIRS

European international law struggled to deal with corsairs, who could be cast as outside the law, but were also vital to defining its boundaries.² Something similar occurred with irregular naval combatants in the Ottoman context. Captured corsairs' subjecthood became more important than their conduct, especially after Selim III came to power pursuing "order" in 1789. When Ottoman Christians were captured as corsairs, their fate became very different from that of Russian or Capitulatory subjects.

Corsairs who attacked Ottoman shipping often, though not always, operated out of Malta, under the crusading authority of the Knights of St. John, who nominally owed allegiance to the pope and the King of Sicily, but in practice were independent. While the ships flew the Maltese flag, they recruited crewmen from around the (Christian) Mediterranean and beyond.³

Catherine the Great recruited both Maltese and other corsairs, most famously the Greek captain Lambros Katsonis, as irregulars to supplement her fleet in the Mediterranean during the 1768 War, and then again in the 1787 War. In the latter conflict, the regular Russian Black Sea fleet (after losing the *Maria Magdalena*) faced off against the bulk of the Ottoman fleet in that body of water, while the Baltic Fleet was occupied by threats of war with Sweden.⁴ In the Mediterranean, the Russians thus relied entirely on irregulars, whom the British envoy Ainslie derided as "a compound of Ruffians and Pirates collected from Morea and the Venetian Islands." This meant that some were Ottoman *zimms*.⁵ Because they carried commissions from Catherine, these corsairs would have been, in the European legal tradition, privateers (licensed agents of a recognized state) rather than pirates (illegal raiders). European observers referred to them as such, but it is not clear that the Porte recognized such a distinction.⁶

² See, e.g., Heller-Roazen, *Enemy of All*; Thomson, *Mercenaries*; Benton, "Legal Spaces."

³ BOA-CBH 8419; BOA-KKd 5675; BOA-MADd 10339 pp. 104–5, 108; Cavaliero, *Crusaders*, 32; see also Greene, *Pirates*.

⁴ Mayer, "Austria's Security (I)," 272; Pappas, *Russian Military Service*, 76.

⁵ BOA-CHR 9101; TNA-SP 97/45 #16; TNA-FO 78/8 #11, 78/13 #12, #13; Vasdravellis, *Klephts*, 84, 90; Ahmed Câvid, *Müntehabât*, 644; Earle, *Corsairs*, 269.

⁶ TNA-FO 78/9 #20; TNA-SP 97/45 #17, 97/47 #10. For Ottoman definitions of the legality of maritime violence, see White, *Piracy*.

It had long been traditional for the Ottoman state to send captured corsairs, regardless of their origins, to the galleys, where the state could exploit their labor while also punishing them. In the 1768 War and early in the 1787 War, this remained true. Ottoman Christians captured aboard corsairs, whether Russian-backed or not, were (if they came into state hands) sent to Istanbul and imprisoned in the Arsenal as State Slaves—alongside their comrades, who included Maltese, Corsicans, and Venetian Greeks. A few were executed outright. Sultan Abdülhamid considered doing the same to Ottoman Greeks captured aboard the *Maria Magdalena*—he recalled that this had been done to *zimmîs* who helped the Russians in 1711—but he decided not to. These sailors were imprisoned with their native Russian colleagues.⁷ As on land, however, some naval Ottoman forces followed different rules for dealing with captives; one naval commander was told he and his men could distribute captives among them.⁸

This was also true of the North African regencies, to which the Porte turned to counter Mediterranean corsairs while the main Ottoman fleet grappled with the Russians in the Black Sea. In 1790, a North African squadron under the Algerian commander Saidi 'Ali swept the Aegean for corsairs before sailing to Istanbul, bringing with them seven or eight captured ships.⁹ The Algerians had their own rules of captivity: according to what the chronicler Ahmed Câvid called “the traditions of Algeria of the Realm of Jihad,” six sailors who had been the first to board the enemy ships, and twenty-four in the second wave, were each given one prisoner as private property.¹⁰ Ainslie claimed that in all, there were 600 captives, including Albanians, Dalmatians, Sicilians, Maltese, Venetian and Ottoman Greeks, and subjects of “other Nations of Europe.” He expected that these captured corsairs would, in keeping with Ottoman tradition, be sent to the galleys.¹¹

Ainslie was wrong. Selim took a more ruthless approach to corsairs, particularly those with Ottoman origins, than Abdülhamid had. As the squadron anchored in the Bosphorus and Golden Horn, Selim, the Kaymakam, the Kapudan Pasha, and the Şeyhülislam inspected the ships, and passed out rewards liberally. At some point Selim dashed off an order: “All the *reaya* [Ottoman Christian] captives who are collected in the Algerian ships are to be killed in suitable places in the Bosphorus and in Istanbul and Galata and in other places. Let none remain. There are reportedly more than 40. All are to be killed.”¹² A three-day frenzy of state violence ensued, focusing on Greek areas of the city: according to Ahmed Câvid, twenty-four prisoners were hanged from the Algerian ships’ yardarms in ones, twos and threes, before Selim’s official inspection. Six more were executed near the imperial palace, and another twenty-four in front of churches in Galata. The next day, 100 were killed in gates

⁷ BOA-AESABHI 8/746; BOA-AESMSTIII 179/14104; BOA-CBH 670, 6275, 7258; BOA-CHR 405, 412, 6383; BOA-DBŞMd 41395; BOA-HAT 211/11478, 1389/55311, 1397/56083, 1402/56639; BOA-MADd 10385 p. 167; TNA-FO 78/8 #22; Göksu, *Ruzname*, 77; Vasdravellis, *Klephs*, 86–7; Gök, “168. Mühimme (I),” 201–2, 401–2; Vasdravellis, *Klephs*, 86–7.

⁸ BOA-CBH 9244.

⁹ Ahmed Câvid, *Müntehabât*, 666–7.

¹⁰ Ahmed Câvid, *Hadika*, 155–6; this tradition is also noted in Davis, *Christian-Muslim Slavery*, 123.

¹¹ TNA-FO 78/11 #33.

¹² BOA-HAT 1387/55144.

and squares around Istanbul, and especially in front of churches, and the day after that, twenty more in Üsküdar and ten in Tophane.¹³

Ainslie, even after learning there would be executions, underestimated their extent.¹⁴ His mistake was understandable, because this level of state vengeance was, if not new, unprecedented in scale. Câvid, probably writing to flatter Selim, declared that all Muslims rejoiced, “because for 40 years, corsairs being captured and given their deserved punishment in this manner has not been seen.” In the past, such corsairs, “each relying on a different side,” would have survived to repeat their crimes—apparently a reference to the less severe practices of previous sultans.¹⁵ There were precedents for executing *zimmîs* in enemy service, as Abdülhamid noted, but he had expressly declined to continue that tradition. Selim had no such qualms.

Selim’s action challenged the Algerians’ assumption that some prisoners were their private property. Thirty of the captives who were executed had been distributed to the Algerian boarders mentioned above, and Câvid made sure to note that these captors were compensated when their prisoners were taken from them. The sultan, he claimed, personally gave 300 piasters each to the most heroic, and Saidi ‘Ali gave 100 each to the other twenty-four.¹⁶ Selim’s orders made no mention of this compensation, which Câvid called a “slave price”—the same term sometimes used to refer to 100-piaster compensation payments under the Law of Release. This hints at a similarity: in both cases, the sultan’s politically motivated confiscation of privately owned slaves was given a veneer of legitimacy through a nominal compensation.

Even as he ignored questions of private property, Selim also emphasized captives’ political affiliations, to an extraordinary degree. The Council, seeking clarification of Selim’s order to kill forty Ottoman Christian prisoners from the Algerians’ ships, informed him that the Kapudan Pasha reported complications.¹⁷ Twenty had already been killed, and it was planned now to kill the other twenty. Of these, however, nineteen had not been registered as Ottoman *zimmîs*, but as Russians or Venetians. Saidi ‘Ali saw no problem here, and recommended they all be executed. However, the Council, perhaps more attuned to inter-imperial law and diplomacy than the Algerian ‘Ali was, anticipated unspecified “problems” if these captives were killed. Presumably they were concerned that the Venetian ambassador might complain if his state’s subjects were executed, or that the Russians—as in the cases of escapees—might retaliate against Ottoman prisoners.

Even worse, the Council told Selim, some of those killed the previous day had been entirely innocent: they reported, and apparently believed, that these men had been captured on enemy ships only because they had previously been taken *by the corsairs* from Ottoman supply ships. They were loyal *zimmîs*, and the one remaining captive might be similarly guiltless. Selim’s response was as categorical as it was merciless: “The ones who are *reaya* are to be killed. Let the others remain.” He disregarded this claim of innocence, and looked only to subjecthood.

¹³ Ahmed Câvid, *Hadika*, 154–6.

¹⁴ TNA-FO 78/11 #33.

¹⁵ Ahmed Câvid, *Hadika*, 154, 156.

¹⁶ Ahmed Câvid, 156.

¹⁷ BOA-HAT 209/11182.

Selim thus made captives' subjecthood a matter of life and death. But, as in other cases, assigning captives to states was a slippery business. Presumably, these nineteen captives, when they first arrived, had seemed to be Ottoman Greeks—most likely, because they were Greek-speakers. But when sent to the Arsenal and entered into its register books, some of them had made different claims, probably to avoid punishment. Claiming to be a Venetian subject would not have been difficult, as the Serenissima had many Greek-speaking subjects in the Ionian islands. It is less clear how claims to Russian subjecthood were substantiated; being on a Russian-flagged vessel in itself did not convince the Porte, and wearing a Russian uniform likely would not. Perhaps they claimed to be residents of Russian settlements along the north shore of the Black Sea.

The Council may have recognized these ambiguities in noting that the captives were “registered” as subjects of Venice and Russia, rather than simply describing them as *being* Russian or Venetian. Indeed, as we saw in discussing the labor strike in Chapter 6, it became clear when the war ended that at least fifty-eight captives—probably including these—*were* in fact from Ottoman territories. Some may have asserted Russian or Venetian subjecthood. (It is tempting to speculate that some of Selim's subordinates, wishing to temper his zeal for executions, readily accepted captives' claims not to be Ottoman, only to question these again when the war ended and keeping the captives' maritime skills became useful to the state.) It seems that to Selim, the identities written into the Arsenal records *were* the reality. In a way, this attitude was entirely sensible: Russian and Venetian legal claims would turn on these categories.

The law of captivity, by emphasizing political ties, placed Venetian or Russian subjects—regardless of their guilt—beyond Selim's reach to execute; he could only imprison them. But Ottoman Christians—again, regardless of their guilt—remained within the sultan's reach. What Selim sought, it seems, was an example for Istanbul's Greek community, and Ottoman Christians were again ideal for this. Hanging the prisoners in front of their churches made this especially clear, as did his reiterations of Yusuf's threat to hold Greek leaders responsible for corsairs' actions. Selim even declared, “I would kill the patriarch too. Let him be told this.”¹⁸ Whether or not such executions were justified in Ottoman law, the precedents of previous decades ensured that international law would not intervene.

The Porte nonetheless seemed to worry about less formal diplomatic protests, and public opinion in Istanbul. Thus Ainslie was told that many of those killed were deserters from the Ottoman fleet, while Câvid referred to some of the executed captives as famous corsair officers.¹⁹ This may have been the case, but Selim did not refer to these considerations in his rescripts. Subjecthood was the only limitation on his bloody vengeance.

Selim was similarly ruthless toward other Ottoman Christians captured in enemy service, not as corsairs but in land warfare. When twelve Wallachian prisoners arrived in Istanbul in May 1790, Selim agreed with Grand Vizier Şerif Hasan Pasha that they should be executed. Even when Şerif Hasan's deputy hesitated,

¹⁸ BOA-HAT 192/9350.

¹⁹ TNA-FO 78/11 #33; Ahmed Câvid, *Hadika*, 153, 155–6.

reporting that these men claimed to be innocent, Selim insisted, writing that “none of these will confess his own crime. Let these infidels be killed as an example to the other *reaya*.”²⁰ Their deaths sharply contrasted with the fate of an Austrian officer who arrived in the same convoy: far from being hanged, he was settled in the Seven Towers and given a maintenance allowance.²¹ Yet on land, as at sea, this policy was not universal; the Arsenal housed twenty Russian-affiliated Moldavians at war’s end.²²

Not all Ottoman Christians captured on privateer ships under Selim were treated this way. In at least one case, the sultan undertook a thorough investigation and exonerated a group of well-connected Greek Ottoman sailors accused of corsairing.²³ Others, whom Selim recognized as his subjects, were not executed but were put to arduous labor and galley rowing. Tisdale noted this, and protested several times in late 1791 (a bit before he began protesting other captives’ work). He, and the Porte, drew another set of distinctions, however, based on service. He felt responsible for those “taken under the Russian Flag,” but when two particular Greeks were sent to work, Arsenal officials assured Tisdale “they were not taken Prisoners under the Russian Flag; But Subjects of the Ottoman Porte, taken in open Rebellion.”²⁴

Another case made the fine distinctions of service and flag even more visible. In October 1791, a man named Fedor Nicolie, “a Greek formerly in Her Majestys [Catherine’s] Service,” was sent “to the Bagnio as a Slave for Life” due to his activities as a corsair. Tisdale, however, wrote that as Nicolie “was proved a Subject of the Ottoman Porte’s, and a Traytor, I did not think it in my Power to Assist him in the Manner he proposed.”²⁵ Two legal principles emerge here: the Porte felt galley service was appropriate for corsairs, but not for ordinary Russian captives. Tisdale, meanwhile, seemed to feel his authority extended only to captives taken *while in* Russian service—under the flag. Russian subjecthood was a protection against galley service, as it was against execution. It was political loyalties to, and affiliation with, a sovereign state that made the difference between life and death—not labor, wealth, ransom, rank, or social connections. Those whose only tie was to the Porte were therefore left unprotected. This foreshadowed the fate of rebels in the nineteenth century, as we will see.

FOREIGN CORSAIRS

It is unclear if Selim’s successors continued his ruthless policy toward corsairs, although on at least one occasion in 1812, Mahmud did publicly and brutally execute more than 40 Montenegrin Ottoman corsairs, displaying their bodies around Istanbul.²⁶ But other changes became apparent in dealing with corsairs

²⁰ BOA-HAT 1380/54429, 1385/54881, 1397/56038, 1397/56079, 1397/56148, 1398/56213.

²¹ BOA-CHR 1633; BOA-HAT 1397/56038, 1398, 56172.

²² AVPRI-KM 90/1/1055 11r–v.

²³ BOA-HAT 192/9384, 212/11481C; Tisdale, “Memoirs,” 141v, 143r.

²⁴ Tisdale, 151v–152r.

²⁵ AVPRI-KM 90/1/1055 13r; Tisdale, 150v–151r, 153r.

²⁶ Beyhan, *Câbi Târihi*, 874.

from outside the empire, especially those from Malta—who continued to raid Ottoman shipping until Napoleon conquered the island in 1798.²⁷ Their fates changed for similar reasons, but in different ways.

A few aspects of the Ottoman prisoner-of-war system began to extend even to certain corsairs, depending on their subjecthood. In 1796 Arsenal authorities assigned cash allowances to captured officers from Maltese corsair ships. These allowances were expressly patterned after those of “the captains who were previously put in the Arsenal prison from among the Muscovite and Austrian and Venetian prisoners”—in the 1787 War.²⁸

Corsairs even benefited from the Law of Release, though its application to them was complicated. We saw in Chapter 7 that the Habsburg Empire, like other European states, learned to couch its arguments in Ottoman legal terms during the late eighteenth and early nineteenth centuries. No sooner had the Austrians joined the Law of Release through the 1791 Treaty of Sistova, than Habsburg ambassador Herbert-Rathkeal tried to push the rules further, to benefit corsairs.²⁹ First he secured the release of ten Habsburg subjects who had fought on Russian-backed corsair ships during the war. Theirs was probably not a difficult case, since they would likely have been released to the Russians after the Treaty of Jassy anyway, had they waited just a few more months. The Austrians, like the French and the Prussians, could leverage the universal understanding that captives would, in general, be sent back under the Law of Release.

Another request, for three more captives from Livorno and one from Milan, was more complex.³⁰ As the Porte confirmed upon investigation, these men had *not* fought on the Russian side. All had been captured as corsairs in the late 1770s—in peacetime, acting not as privateers but simply as pirates. But, Selim’s advisers told him, Herbert-Rathkeal’s request “was not due to ignorance [of the fact] that these [prisoners] were taken before the Austrian war.” Instead, it was grounded on a literal interpretation of the treaty. The Council, providing Selim with a copy of the Treaty of Sistova’s seventh article as a reminder, pointed out that it “explicitly” required “hereafter not one person from among the subjects of the two powers is to remain in captivity in the lands of the other side.” Selim grudgingly agreed to the men’s release.

This suggests that Ottoman officials shared a sense that the Law of Release *should* apply only to those taken in wartime. But they also had to recognize that the letter of the law went further. Herbert-Rathkeal cannot have been ignorant that, as we saw earlier, the Capitulations did not traditionally protect corsairs from enslavement, since they were taken “under arms.” However, he seems to have hoped—correctly—that the new treaty offered a chance to interpret the Law of Release more broadly than the Capitulations. Thus, Habsburg subjecthood secured freedom for corsairs who would previously have had little legal claim to release.

This argument applied only to those taken *before* the treaty was signed. Those captured on corsair ships *after* peace was made fell under the Capitulations, which

²⁷ See Earle, *Corsairs*; Cavaliero, *Crusaders*, 85.

²⁸ BOA-CBH 7463.

²⁹ Tisdale, “Memoirs,” 151v.

³⁰ BOA-HAT 1401/56535.

would allow their captivity. Through the 1790s, when Ottoman naval vessels captured corsair ships, their occupants—up to several hundred—were indeed brought to the Arsenal as State Slaves. But now, more than before, Capitulatory powers began to make successful requests for their subjects' release, echoing the requests of the 1787 War. The Austrians again took the lead, perhaps because many of their Italian-speaking subjects—including those from Venice, which they acquired in 1797—were involved in Mediterranean corsairing.³¹

The Habsburg state did not claim a legal *right* to corsairs' liberation under the Treaty of Sistova or the Capitulations—they had none. Instead, they pursued two strategies. First, they argued the facts of the case, claiming that some subjects were in fact innocent of corsairing (thus, they could not legally be enslaved). Second, they appealed to Selim III's mercy, for example contending that one captive's family depended upon him. Yet they *only* requested Habsburg subjects, and when considering these requests, the Porte did not inquire into the reasons these men were enslaved—only into their subjecthood. The Porte then usually agreed to such requests. Thus while there was no treaty obligation to release corsairs based solely on their subjecthood, it became customary to do so.

The British, likewise, succeeded in requesting the release of two officers from Maltese corsair ships.³² Like Lieutenant Lombard in the 1787 War, they were members of the Knights of St. John, which recruited heavily in France. For centuries, the status of such Frenchmen, fighting a religious war against their own king's Ottoman allies, had been ambiguous.³³ But these two knights were released in late 1797, after the British embassy invoked their French subjecthood. The British also adduced one particular fact: they were royalists, loyal to the deposed Bourbon dynasty even after the French Revolution. This political position is probably what made the British sympathetic to them. Legally, the British should not have been able to enforce the *French* Capitulations—since it was to France, not to Britain, that the sultan had given his promise not to enslave French subjects. The French state had a right to request the captives release, but the captives themselves had no right against detention. Thus, the fact that the British *did* invoke the captives' subjecthood implies that there was more at work than simply the Capitulations. Perhaps the Ottoman and British states shared a sense that the Capitulations granted French subjects an inherent right not to be enslaved, regardless of which state advocated for them.³⁴

Subjecthood was clearly applicable as an abstract category to all those affiliated with, and loyal to, these states—regardless of their language or religion. For example, in 1801, the British requested the release of four Minorcans. That island was, for a brief moment, a British possession, even though its inhabitants did not speak English and were not Anglican. For the Ottomans, what mattered was apparently King George III's legal sovereignty over the island, so Selim agreed to their release.³⁵

³¹ BOA-CBH 6854, 8321; BOA-HAT 137/5606B, 137/5629C.

³² BOA-CBH 6854, 7463, 12241; BOA-HAT 246/13855.

³³ Greene, *Pirates*, 15–16; Weiss, *Captives and Corsairs*, 13–14, 93.

³⁴ This paralleled the moral (if not legal) beliefs that Weiss sees emerging in France itself: Weiss, *Captives and Corsairs*.

³⁵ BOA-HAT 34/1702, 88/3624H; Erdem, *Slavery*, 31.

This paralleled roughly contemporaneous French efforts to recover colonial subjects in North Africa, and echoed the Law of Release's extension, in the 1740s, from ethnic Russians to Kalmyks. It also foreshadowed later questions about the status of non-metropolitan colonial subjects under European imperial rule.³⁶

However, there was one category of corsairs who were still left out of both the Law of Release and the prisoner-of-war systems, even as they expanded. This was again a matter of subjecthood. The Knights of St. John could claim to be French subjects, but in the 1790s, their sailors who were from Malta itself could not. Malta had no treaties with the Ottoman Empire, and until the French occupied it in 1798 (followed by the British in 1800), it was not part of a major imperial state. The Grand Master of the knights might have owed nominal allegiance to the King of Sicily and the pope, but that did not make the Maltese those rulers' subjects.

Maltese corsairs' lack of legal recourse was proven by two captives who, in an exceptional incident, did manage to secure their freedom. These two unnamed men, almost certainly captured as corsairs, were serving aboard the Ottoman frigate *Şehper-i Zafer* when it visited the Habsburg port of Trieste in 1799. They fled the ship, and Austrian officials refused Ottoman requests for their return "because the matter of slave ownership is not among the things that are known in the land of the Franks."³⁷ The Austrians had no legal right to demand the Ottomans release these men, but once they had entered Habsburg territory by their own means, they could remain free. Most Maltese captives were probably not so lucky (or daring).

For corsairs, then, subjecthood was vital: claims of enemy or Capitulatory subjecthood could mean benefits from the prisoner-of-war system, or even the Law of Release; the lack of it might mean execution (for those of Ottoman origin) or prolonged captivity and galley service.

THE SERBIAN REVOLT

Captured corsairs were relatively few, whether during the 1787 War or after it. However, they set the pattern for excluding many others from the prisoner-of-war system and Law of Release as the nineteenth century dawned. This included rebels. When Ottoman forces campaigned against Muslim enemies—whether local notables, "bandits," rebels in Bosnia and Saudi Arabia, or the armies of Mehmed Ali of Egypt—captives could be executed, exiled, or put to hard labor as criminals, but not legally enslaved. (That said, internal conflicts, particularly in eastern Anatolia, did frequently involve *illegal* enslavement of Muslims by Muslims, without state sanction.)³⁸ Matters were different with rebellious Christian populations in Serbia

³⁶ See Weiss, *Captives and Corsairs*, 123–6; Hanley, *Identifying with Nationality*, 174; Meyer, *Turks Across Empires*; Lewis, *Divided Rule*; Can, "Protection Question"; Low, "Flag of Extraterritoriality"; Marglin, "Pseudo-Algerians."

³⁷ BOA-HAT 141/5840D; for the ship see also Şakul, "Global Moment," 185.

³⁸ BOA-HAT 441/22176F; Yilmazer, *Sâni-zâde*, II:893; Turhan, *Bosnian Uprising*, 185–8; Toledano, *Slave Trade*, 16–17; Esmer, "Culture of Rebellion"; Fahmy, *Pasha's Men*, 147, 196–7; Şimşek, "Military Recruitment," 98.

and Greece. These conflicts were, as Mustafa Vasi's father said, governed by different rules than those against Russia. Yet those rules built on Russo-Ottoman law, both the prisoner-of-war system and the Law of Release.

When unrest erupted in Serbia in 1804, Ottoman forces frequently reported taking captives, but few of these arrived in Istanbul, and fewer still made it into the Arsenal alive. By January 1806—over a year into the revolt—there were only 147 State Slaves in the Arsenal. As the end of the uprising neared, the number had not risen: there were 159 State Slaves in August 1812, 197 in January 1815, and only 145 in September 1815.³⁹ Some captured men may have been sold into slavery rather than sent to the Arsenal, but it seems most were killed. Selim allowed the enslavement of women and children in late 1806 or early 1807, amid allegations that the Serbs were enslaving Muslim women and children. "As the Serbs have hereafter become Muscovites," they could all be enslaved, and their property plundered.⁴⁰

Yet despite Selim's rhetoric, the Serbs were *not* quite treated as "Muscovites": the Porte did not collect captured Serbian combatants. Instead, it sought to regulate private enslavement. The traditional slave tax had been largely defunct, on the battlefield, for a century. Now, however, Selim insisted that Osman Pasha, commander of Sofia and Governor of Rumelia, bring it back, collecting one six-piaster gold coin per slave. In return, captors would be given papers showing the tax had been paid.⁴¹ Selim's main purpose was probably not to raise revenue, but to differentiate those Ottoman Serbs who were legally enslaved from other Serbs who were not.⁴² This distinction was less necessary for foreign enemies, since (in wartime) all Russians, or all Austrians, were legally subject to enslavement—there was less need to differentiate between them.

The Porte kept detailed records of the tax, which offer insights into who was enslaved. One register, running from June 1807 to December 1809, listed 504 Serbian captives, with their ages and descriptions. While it included females of all ages, there were only twelve males over the age of twelve, and none older than fifteen.⁴³ Most likely, captured males over that age were simply killed. The Porte also ordered that enslaved Serbs were not to be sold to other Serbs—perhaps an effort to prevent the rebels from ransoming their comrades.⁴⁴

This was Selim's policy, but he did not remain sultan for much longer. In late May 1807, just weeks after insisting that the slave tax be collected, he was overthrown and replaced by Mustafa IV. During his brief reign, Mustafa received a fascinating recommendation from the Council to alter captivity policy. First, the report acknowledged a fatwa issued by the famous Şeyhülislam Ebu's-Su'ud in 1541 or 1542, declaring it necessary for Ottoman "holy warriors" pay the tax before slaves could be parceled out to their owners.⁴⁵ However, the Council worried that if the

³⁹ BOA-CAS 7739, 8590, 48296; BOA-CBH 6513, 6622, 9512; BOA-HAT 1109/44684B; Yilmazer, *Sâni-zâde*, I:237; Beyhan, *Câbi Târihi*, 1007, 1028.

⁴⁰ BOA-CADL 466; BOA-HAT 133/5507, 134/5532B, 148/6243. ⁴¹ BOA-CHR 614.

⁴² For this argument in the later Greek context, see Erdem, *Slavery*, 20; Erdem, "Greek War." Tax documents had been used that way in the sixteenth century as well: White, *Piracy*, 42.

⁴³ BOA-KKd 7458. ⁴⁴ BOA-CAS 3209, 32404.

⁴⁵ BOA-HAT 1365/54033; see also Imber, *Ebu's-Su'ud*, 87.

Porte *did* now insist on collecting the tax, this might inhibit the soldiers' zeal. To resolve the dilemma, Mustafa agreed to the suggestion that he petition the Şeyhülislam for a fatwa authorizing the state simply to renounce its claim to the tax. It is unclear how thoroughly this order was implemented, given that, as the register noted above shows, the tax continued to be paid on at least some slaves through 1809. Nevertheless, the document points to the interaction between the law and the political economy of captivity. Mustafa was brought to power partly by those who opposed Selim's reforms. These included janissaries and their auxiliaries, who would surely have resented being taxed on their slaves. Indeed, the chronicler Lûtfî argued later that the janissaries opposed regulations on captivity.⁴⁶

Serbs, then, were not included in the Ottoman prisoner-of-war system. They were also left out of the Law of Release. Even as the rebellion continued, the Russians and Ottomans signed a peace treaty at Bucharest in 1812, ending the 1806 War. This extended the Law of Release, but it also made no reference to non-Russian captives. This meant that the Porte had no treaty obligation to release Serbs who had been enslaved since 1804. The treaty did promise an amnesty, and limited autonomy. In 1816, the Porte released forty-seven Serbs in the Arsenal or on Ottoman ships.⁴⁷ But this was a small fraction of those taken during the rebellion, and it seems to have been a gesture of goodwill (perhaps in hopes of winning diplomatic favor), not done out of legal obligation.

THE GREEK WAR OF INDEPENDENCE

These same themes characterized the state's role in captivity in the Greek War of Independence, between 1821 and 1830. The Porte authorized its soldiers to enslave rebel combatants, and then whole villages, regions, and islands. Erdem argues that Sultan Mahmud II, who relied on irregulars to suppress the revolt, hoped to use the promise of slaves and plunder, along with appeals to Islam and loyalty, to motivate his men in the absence of regular military organization or salaries.⁴⁸ Ottoman soldiers may also have been motivated by revenge against the Greek rebels' own killing or enslavement of captives, which European observers typically disregarded.⁴⁹

This policy was put into practice in Ayvalık and other places along the Anatolian coast in the spring of 1821, and then it was extended to the Peloponnese. Particular localities were routinely declared rebellious, thus legalizing the enslavement of women and children living there.⁵⁰ Enslavement is a frequent theme in Kabudlı Vasfî's memoirs of the revolt, and it formed an integral part of his view of war. On one occasion, he wrote, "[w]e had come here in order to take prisoners, to make

⁴⁶ Akbayan, *Lûtfî Tarihi*, 222–3.

⁴⁷ BOA-CHR 3686; Noradounghian, *Actes Internationaux*, 1900, II:89–90.

⁴⁸ Erdem, "Greek War," 68–81. For the rebellion, see generally İlicak, "Rethinking of Empire."

⁴⁹ Slade, *Records of Travels*, 58–59; Rodogno, *Against Massacre*, 63–90.

⁵⁰ BOA-CAS 8523, 46911; BOA-HAT 1157/45896, 1292/50201, 1292/50201A; Yılmaz, *Sânî-zâde*, II:1137, 1172, 1186, 1197, 1230, 1291.

slaves, male and female, and to fight.”⁵¹ When Egyptian forces under İbrahim Pasha entered the fray on the Ottomans’ side, they too became involved in enslavement.⁵² Some Greeks were released through local deals for safe passage, ransom, or exchange—resembling the customary law of the border zone.⁵³

The enslavement of Greeks became most famous, for European audiences, on the island of Chios/Sakız/Scio in 1822.⁵⁴ The British traveler Robert Walsh claimed that the Ottoman fleet sent there was readied quickly, because

[i]t was given out, that the island was to be surrendered to the adventurers who chose to engage in the expedition; the riches and timid character of the men, and the beauty of the women, were equally notorious, and the prospect of plunder and slaves, with little risk, attracted multitudes.⁵⁵

Soon, he reported, there were no more than 900 residents left on Chios; 20,000 had been killed and 30,000 “carried off and sold in different places in Asia, Africa, and Europe.” His claim that 41,000 slave-tax certificates were issued was surely exaggerated, but one Ottoman register book records the tax receipts for 1,324 slaves (about 60 percent female) taken on the island in less than two weeks, at a rate of thirty-three piasters per head.⁵⁶ Walsh described the battlefield procedure:

The Oriental manner of making slaves, and securing a property in them, is this. Any fellows who join an expedition as volunteers for plunder of this kind enter a house, and after setting fire to it, and killing generally the adult males, they carry off the property, with the females and boys. They then proceed to the next custom-house, and having paid twenty piasters, or about ten shillings, they take out a teskerai, or ticket, which certifies the slavery[.]⁵⁷

This sounds much like the seventeenth-century procedure by which scribes would issue tax certificates in foreign campaigns. The slave tax, long defunct on foreign battlefields, had returned in *domestic* conflicts. Indeed, it was on Chios that the reinvented tax’s role in regulating domestic captivity was most clearly demonstrated. Informed that some *zimmis* from areas which had not rebelled, or which had been pardoned, were nonetheless being sold, the Porte insisted that no slaves be sold without a tax certificate. In Istanbul, the sale of slaves from Chios was stopped by an official decree when Esma Sultan, a sister of Mahmud who collected taxes from the island, protested. Presumably, captives’ tax receipts would prove that they were from Greece. The tax, again, served less as a method of fundraising than as a way of distinguishing legally from illegally enslaved Christians, since there might be little linguistic or physical difference between loyal and disloyal populations.⁵⁸

⁵¹ Schmidt, “Ottoman Horseman,” 275.

⁵² BOA-HAT 887/39203; Zilfi, *Women and Slavery*, 123; Aksan, *Ottoman Wars*, 294; Erdem, *Slavery*, 69–70.

⁵³ Frary, “Russian Consuls,” 53.

⁵⁴ Slade, *Records of Travels*, 58–9; Zilfi, *Women and Slavery*, 182; Aksan, *Ottoman Wars*, 292; Rodogno, *Against Massacre*, 68–70.

⁵⁵ Walsh, *Residence*, I:404–9.

⁵⁶ BOA-DBŞMd 8891 pp. 4–18.

⁵⁷ Walsh, *Residence*, II:1–2.

⁵⁸ Walsh, II:10–11; this is argued in Erdem, *Slavery*, 20–1; Erdem, “Greek War,” 70–1.

Greek men were neither politically nor economically valuable: they were not Russian subjects, and while a few were pressed into service on ships, or put into the Arsenal, in general there was little need for galley rowers. As with the Serbian revolt, the Arsenal population rose much less than in shorter, and less successful, wars against Russia: it held eighty-eight State Slaves in October 1820, rising only to 215 by March 1826. Those Greeks who were in the Arsenal in the late 1820s apparently arrived early in the revolt.⁵⁹ When the British traveler Adolphus Slade visited the Arsenal at that time, he claimed that the inmates—around 100—“have scarcely anything to do,” since most work was done by paid sailors. Moreover, he noted that male captives rarely appeared in Istanbul slave markets, suggesting they had little value even in private hands.⁶⁰

As Selim III had recognized in 1790, however, captured men could be made politically valuable through their deaths. As in regular wars, commanders in the field often paid for live prisoners, as well as severed heads. In the first eighteen months of the revolt, convoys were frequently sent to Istanbul with these captives. There, with cold regularity—and contrary to practice when fighting other states—a portion of the prisoners, often leaders or priests, were executed, and their bodies displayed in various places around Istanbul, while the survivors were consigned to the Arsenal. Others were executed in the field, and this became a general, official policy by July 1821.⁶¹ In an intriguing exception, British diplomats reported that in one battle near Athens, the only captive *not* executed was “a Russian subject, named Kalergi, whose exemption from the common fate was obtained” through a large ransom paid to the local forces.⁶² Had Kalergi been captured in a regular war, he would not have been ransomed, but he would not have *needed* ransom to escape execution.

The Ottoman fleet also duplicated Selim’s gruesome display of executed corsairs hanging from yardarms. When returning from an expedition in November 1821, several Ottoman ships passed Topkapı palace, and

the crews of the captured [Greek] ships were reserved for this exhibition: they were seen on deck with cords about their necks, and were then dropped from different parts of the rigging, so that every vessel as it approached was distinguished by a number of men struggling in the agonies of death from the bowsprits and yard-arms.⁶³

More famously, Mahmud also made good on Selim’s threat to execute the patriarch—hanging Patriarch Gregory V on Easter Sunday 1821.⁶⁴ So cheap were the lives of Greek men that when they were difficult to move, their guards openly declared to the sultan that “they were executed and added to the other [severed] heads.”⁶⁵ While convoy guards had killed captives in the 1787 and (as we will see) 1828 Wars, this

⁵⁹ BOA-CBH 2914, 3131, 3596; BOA-HAT 502/20614, 900/39555, 905/39711; Rozalion-Soshal’skii, *Zapiski Russkogo Ofitsera*, 57.

⁶⁰ Slade, *Records of Travels*, I:104–5, II:243.

⁶¹ BOA-HAT 497/24402, 837/37755, 866/385760, 1107/44662, 1155/45820, 1155/45845, 1157/45920; TNA-FO 78/155 #43; Yilmazer, *Sâni-zâde*, II:1247, 1249, 1277–8, 1283, 1290; Rozalion-Soshal’skii, *Zapiski Russkogo Ofitsera*, 57; Schmidt, “Ottoman Horseman,” 257–8, 261.

⁶² TNA-FO 78/155 #3.

⁶³ Walsh, *Residence*, II:384–5.

⁶⁴ Philliou, *Governing Ottomans*, 72–3.

⁶⁵ BOA-HAT 862/38436.

had not received official approval. Now the frequent, official killing of Greeks gave convoy guards a vocabulary to justify ridding themselves of difficult captives. They could use the word “executed” as if they had simply saved the Porte the trouble of doing the killing itself.

After mid-1822, convoys of state captives largely stopped being sent to Istanbul, even as baskets full of severed heads and ears continued to arrive as proof of victory. Killing captives became so normal that one commander matter-of-factly reported in June 1825 that because his troops were “not desirous of taking prisoners,” they had massacred their captives and cut off 520 pairs of ears.⁶⁶

Such scenes of enslavement and slaughter horrified European diplomats, who protested. The Ottomans, however, responded with legal arguments drawing on the Russo-Ottoman rules of captivity. The Ottoman Reis Efendi Canib, for example, told British Ambassador Lord Strangford that the Porte “had a right to act as she pleased toward her own subjects, except where Treaties interfered.” Indeed, “even Russia had never attempted to force Turkey to abolish Slavery,” or “to impose upon Turkey the general principle that she was not entitled to make slaves of her own subjects whenever she chose to do so.”⁶⁷ Lower-level Ottoman officials made similar arguments: The Kapudan Pasha, Mehmed Hüsrev, reported in November 1823 that a British naval officer had called upon Mehmed Pasha, the Governor of Tunis (then residing at Izmir), to release Greeks who had been enslaved on Chios. Mehmed replied that these captives had converted to Islam, but even if they had not, they were Ottoman *zimmîs*. Hüsrev agreed, adding that the British should not interfere in such matters.⁶⁸ Under the Law of Release, no other state had a legal right to compel the release of Ottomans enslaved as rebels.

Nevertheless, Christian states were extremely critical of Ottoman practices—none more so than the Russian Empire, which was pressed both by its own elites’ sympathy for enslaved fellow Orthodox Christians, and by the Greek provisional government itself.⁶⁹ But as Canib, Hüsrev, and Mehmed were so quick to point out, the Law of Release left Tsars Alexander and Nicholas with no legal recourse. Instead, the Russians reverted to an older model: ransom. The imperial family, and thousands of its subjects, donated in response to a campaign led by the Orthodox Church. These funds were disbursed by a commission in Istanbul, including the embassy’s chargé d’affaires, Matvei Minchaki, and honorary counselor Baron Konstantin Hübsch. As Lucien Frary shows, they eventually liberated several hundred captives, most of them women and children.

With the Law of Release inapplicable, however, this commission had no special rights under treaty or international customary law. This meant that they bought slaves in the market, and owners sold them “for a profit.”⁷⁰ They typically did *not*

⁶⁶ BOA-HAT 872/38769; see also BOA-HAT 837/37755, 846/38023, 850/38101E.

⁶⁷ TNA-FO 78/105 #73. Canib referred specifically to debates over the Circassian slave trade in the Black Sea, but he may have had the events of the 1740s, 1770s, and 1790s in mind as well.

⁶⁸ BOA-HAT 856/38241.

⁶⁹ This paragraph and the next draw on Frary, “Russian Ransoming.” The Russian sources he discusses seem to supercede the previous findings of Bass, *Freedom’s Battle*, 142–5, which are also cited in Smiley, “Let *Whose People Go*,” 225.

⁷⁰ Frary, 119.

try to recover converts to Islam. This may have reflected the Islamic legal bar on selling Muslim slaves to Christians, or a belief that limited funds were better spent elsewhere. Even one case where conversion was at issue suggests that it was still Ottoman law, not the Law of Release, that governed the process. After a Greek family was ransomed, allegations arose that the daughter had converted to Islam, and the father was detained by Ottoman authorities. He was released, however, after “a tribunal led by the local imam and four Turks testified that the girl had not embraced Islam.”⁷¹ This seems to indicate that conversion questions were settled according to ordinary Islamic law, not the Law of Release—witnesses were heard; the girl’s own word was not decisive; and an Ottoman official (perhaps a judge) adjudicated.

Franco-Russo-British intervention, and then Russia’s victory in the 1828–29 Russo–Ottoman War, forced Mahmud to accept Greek independence. Russia was in a powerful position relative to the Ottomans, but even now, Nicholas did not obtain—or, it seems, even seek—a treaty right to demand Greek captives be freed, as Catherine had in 1774 and 1792. In fact, the Russo–Franco–British negotiations over Greek independence seem not to have even proposed a general release of captives, but only an amnesty.⁷² It is difficult to prove a negative, but it may be that all parties shared an assumption—almost a customary legal norm—that freeing enslaved Ottoman Christians was solely within the Porte’s power. While other powers might *request* the Porte free slaves, this was not a proper subject to be *required* in a treaty.

Foreign diplomats, especially from Russia, did continue to apply pressure, with some results. Russian Ambassador Alexander Ribop’er (Ribeaupierre), perhaps determined to prove Canib Efendi’s earlier claim wrong, “began to pressure the grand vizier to end the enslavement of war captives in general.”⁷³ The Ottomans refused, insisting that slaves were the private property of their captors—as indeed they were by Islamic law and by the Ottoman rules of captivity, at least in rebellions. As Canib had said in 1822, Ottoman law governed captivity “except where Treaties interfered,” and here they did not.

Ribeaupierre’s pressure and persuasion, along with that of others, does seem to have contributed to several steps the Porte took on its own authority, apart from treaty requirements.⁷⁴ In 1829 or 1830, Sultan Mahmud received a request from the Wallachian representative to release Wallachians who had been captured and placed in the Arsenal at the outset of the rebellion. Apparently with the encouragement of the Danish chargé d’affaires, Baron Casimir de Hübsch, Mahmud ordered these captives be released alongside the Russian prisoners from the 1828 War.⁷⁵ This may be a sign that the Ottoman state thought of Wallachia as a semi-sovereign region, with “subjects” of its own whose fate could be tied to the relationship

⁷¹ Frary, 115.

⁷² Noradounghian, *Actes Internationaux*, 1900, II:166–82, 186–91, 195–7, 206–16.

⁷³ Frary, “Russian Ransoming,” 118. See also Philliou, *Governing Ottomans*, 102.

⁷⁴ Frary, “Russian Ransoming,” 118–19.

⁷⁵ BOA-HAT 1052/43331; 1214/47567; Noradounghian, *Actes Internationaux*, 1900, II:137.

between the sultan and the prince—as they would be for a fully sovereign state like Britain or Russia.

Mahmud went further after Greece gained its independence. In the summer of 1830, he sent an order to the rightmost/easternmost military route of Rumelia, to the authorities in Istanbul, and presumably to the other five military routes. Local authorities were to release all those who were enslaved from “the places which rebelled,” with the exception of those who had converted to Islam. Those freed were to be given travel money and sent to their homes, with a list sent to Istanbul. There is some indication that this was implemented, and that when captives claimed they had converted, foreign dragomans assisted in taking their testimony.⁷⁶

These instructions resembled the Law of Release in many ways: the order for release; the lack of provision for ransom (if not an outright ban); the exception for converts; the lists sent to Istanbul; the pattern of sending orders along the military routes; even the presence of dragomans to determine conversion. But this was not the Law of Release, because it was not required by any treaty. Rather, it seems some of the principles of the Law of Release were migrating into internal Ottoman decrees—issued, at most, under foreign pressure, but not out of any treaty or customary obligation. It may be that, as with Serbs, Mahmud felt that once he had accepted the independence or quasi-independence of some of his subjects, it was appropriate to extend the Law of Release to them. When dealing with rebels, the rules were different, but when dealing with sovereigns, peace meant release.

When the Wallachians left the Arsenal in 1830, their departure marked the effective end of the institution of State Slavery. Ottoman records show that there were only twelve slaves left in the Arsenal by January 1830, and only ten at the end of December 1831.⁷⁷ Russian prisoners of war were again held in the Arsenal during wartime in the 1828 and Crimean Wars, but they were clearly prisoners of war, and were no longer considered State Slaves even in name. Criminals were also still sent to the Arsenal, and ration records for 1835 and 1836 mention sailors, criminals, and others (probably workers), but there is no indication of State Slaves.⁷⁸

Thus rebellious Ottoman Christians received no direct protections from the prisoner-of-war system, or the Law of Release. But the principles and mechanics of the latter crept into other release mechanisms, such as the Porte’s voluntary orders and, to a lesser extent, Russian ransoming efforts. In the aftermath of the great Serbian and Greek revolts, rebellion ceased to be a route into enslavement: perhaps stung by European criticism over the Greek War of Independence, the Ottoman state also never again authorized enslavement of its own subjects during a revolt. As Erdem argues, Tanzimat legal changes in 1839 and especially 1856 eliminated the status of *zimmî*, and thus the vulnerability of rebellious *zimmîs* to enslavement.⁷⁹

⁷⁶ BOA-HAT 841/37876; İSAM-KS-Ruşuk R20 p. 20. For a transcription of the order sent to Ruse, see Özkan, “Ruşuk Sicili,” 328–9; for a translation of the order posted in Istanbul, see Walsh, *Residence*, II:528–9.

⁷⁷ BOA-CBH 1949, 5272.

⁷⁸ BOA-CBH 1423, 8343; Esmer, “Culture of Rebellion,” 345.

⁷⁹ Erdem, *Slavery*, 45.

SLAVES

This does not mean, of course, that slavery itself vanished from the Ottoman Empire—far from it. Slavery as an institution persisted into the twentieth century, even as military captivity transformed around it. Like captured corsairs and rebels, those who made up the bulk of Ottoman slaves through the nineteenth century were left out of the Law of Release—and once again, this turned partly on questions of subjecthood.

Elite household slavery remained important into Mahmud II's reign. Earlier in this chapter we met Mehmed Hüsrev Pasha, the Ottoman Kapudan Pasha who had resisted British interference in the enslavement of Greeks. Hüsrev was also an important player in the reform politics of Mahmud's reign, and he had entered the Ottoman Empire as a slave from the Caucasus. As he gained power and his freedom, he himself bought Georgian and Circassian child slaves, raised them, and then placed them in important positions. Along with Hüsrev, perhaps 80 percent of Mahmud's ministers were of slave origin, usually raised in elite households rather than the sultan's own. As Şem'dânî-zâde had worried in the 1740s, households turned away from military captives, in favor of those trafficked. The system faded for men as the century wore on, but as Zilfi emphasizes, women continued to be enslaved in households.⁸⁰

These captives were also, in the nineteenth century, drawn mostly from areas beyond the Law of Release: from the Caucasus and from sub-Saharan Africa. Until late in the nineteenth century, modern-day Sudan, South Sudan, and Ethiopia remained outside of powerful empires (as Malta had been until 1798). The Caucasus, too, was still an unsettled region of imperial contestation, though after the 1829 Treaty of Adrianople the Ottomans recognized Russian sovereignty over much of the region. This annexation, however, did little for Georgians already enslaved in the Ottoman Empire, who did not become Russian subjects. At the same time, of course, Ottoman defeats made it difficult to enslave those who *were* protected by the Law of Release—the subjects of major imperial states such as Russia, Iran, or the European powers.

It was, therefore, Caucasian and African slaves trafficked into the empire, rather than taken through military captivity, who were most prominent in the nineteenth century.⁸¹ Scholars are only beginning to recover the status and experiences of African slaves, in particular. After the Crimean War (1853–56), Russian policies pushed Circassians out of their homelands northeast of the Black Sea, and into the Ottoman Empire. This migration brought more slaves (Circassians held by other Circassians) into the Ottoman Empire, prompting new questions about law,

⁸⁰ For Hüsrev's story and domestic slavery more broadly, see Philliou, *Governing Ottomans*, 98; Toledano, *Slavery and Abolition*, 26; Zilfi, *Women and Slavery*, 131, 142, 189–235; Ze'evi, "Getting Cooler," 187–9.

⁸¹ For the nineteenth century and the question of anti slavery more generally, as discussed in the following paragraphs, see Powell, *Memory*; Zilfi, *Women and Slavery*, 126–8, 131; Toledano, *Silent and Absent*; Erdem, *Slavery*; Toledano, *Slave Trade*; Karamursel, "Vernacularization of Rights"; Kreiten, "Colonial Experiment."

slavery, and subjecthood. They, too, were beyond the Law of Release. These were not military captives; they were trafficked into the Ottoman Empire, rather than enslaved through conflict.

However, even as such captives were left essentially untouched by the Law of Release and the prisoner-of-war system, their situation *was* affected by another important nineteenth-century change in Ottoman diplomacy and politics: the British anti slavery campaign. Building on their success in abolishing the slave trade within their own empire in 1807, and then the institution of slavery in 1833, British campaigners turned their attention abroad. The British created a system of treaties with other states, allowing the Royal Navy to stop and search vessels suspected of slave trading. This was not entirely altruistic. It consolidated the imperial center's power, positioned it as a moral champion, and enhanced the power of its most useful weapon, the Royal Navy.⁸²

With the Ottoman Empire weakened after the Greek War of Independence and threats from Mehmed Ali of Egypt, British Ambassador Stratford Canning in 1840 pressed the Porte to follow Britain's example and abolish slavery. Like the Russians in 1775, however, Canning had to back down from such a sweeping demand, in the face of Ottoman arguments that it would violate Islamic law and threaten the sultan's sovereignty. Canning shifted his approach, focusing only on curbing the slave *trade*, rather than slavery itself. The British concluded agreements with Ottoman tributary sheikhs in the Arabian peninsula, and then with the Porte itself, allowing the Royal Navy to search for and liberate captives aboard Ottoman ships in the Indian Ocean. The Porte was more amenable to such measures than to efforts against slavery itself; officials felt less threatened by, and more able to undertake, efforts to prevent the arrival of new slaves than to end the institution itself.⁸³

The Russian Empire also moved against slavery in the Caucasus after laying claim to the area. Beginning in the 1850s, the Porte took its own measures to limit the slave trade, and later slavery itself. Pragmatic moves against slavery—among which we might count the Law of Release—gave way to more deliberate efforts. Dror Ze'evi suggests that these measures in turn undermined the systems of elite household slavery that had created careers like Hüsrev's and literally given birth to other Ottoman leaders. They were aimed, however, precisely at those left *out* of the Law of Release and the prisoner-of-war system: those who were trafficked, rather than taken through conflict from major imperial powers. After the events of the previous century, those who remained were increasingly from Africa or the Caucasus, and, as Zilfi argues, increasingly female.⁸⁴

Thus by the time Mustafa Vasfi wrote his memoir in 1834, a matrix of rules had emerged that governed the status of Ottoman captives in different ways, largely depending on the subjecthood assigned to them by inter-state legal arrangements.

⁸² Martinez, *Slave Trade*; Barnett, *Empire of Humanity*, 60; Toledano, *Slave Trade*, 9, 82, 94; Benton, "Abolition"; Lutz Kern, "Legal Change."

⁸³ See Erdem, *Slavery*; Toledano, *Slave Trade*, 94–104.

⁸⁴ Zilfi, *Women and Slavery*; Kurtynova-D'Herlughan, *Tsar's Abolitionists*; Toledano, *Slavery and Abolition*, 11; Toledano, *Slave Trade*, 115–16; Erdem, *Slavery*, xxi–xxii; Ze'evi, "Getting Cooler." Zilfi traces the feminization of Ottoman slavery to defeats, rather than to the Law of Release and prisoner-of-war system in particular.

To summarize these: in peacetime, enslaving Ottomans (of any religion), or the subjects of other major states, was illegal. According to Ottoman Islamic and treaty law, those so enslaved were to be freed without ransom. Foreign subjects, such as corsairs, captured under arms outside of regular warfare were, in theory, liable to enslavement. However, those in state custody were increasingly treated as if they had been illegally enslaved, and thus set free. During wars against imperial rivals from Britain to Iran, Ottoman soldiers under central authority could enslave enemy civilians, but usually not combatants, who were generally taken into state custody as prisoners of war. When those wars ended, the Law of Release required that all foreign subjects (whether civilians or combatants) who had not converted (as officially defined) would be released without ransom. As the number of civilians captured fell due to Ottoman defeats, and as almost all combatants found their way into state hands as prisoners of war, the postwar release process came to focus mainly on releasing the latter. Ottoman Christians accused of being part of rebellious communities, whether civilians or combatants, and whether helping another state or fighting on their own behalf, could be killed or enslaved. On a few occasions they were taken into state custody, often simply to be executed. They had no claim to the Law of Release, but the Ottoman state eventually extended some of its principles to cover captives from successful rebellions—driven by foreign pressure and, perhaps, by a sense that victorious rebels were *de facto* sovereign. Finally, those trafficked into the Ottoman Empire who were not the subjects of a major state—like Maltese (before British annexation), Africans, or Circassians—were neither prisoners of war nor protected by the Law of Release.⁸⁵

The European law of war, as it was elaborated by eighteenth- and nineteenth-century scholars, also built in exclusions—for rebels, for pirates, for “unlawful combatants,” and most of all for those who were colonized. “As the levels of protection were increased for captured soldiers,” Daniel Krebs notes, “the number of other people who were entitled to such protection became smaller.”⁸⁶ The Ottomans did not refer directly to these developments, and the exclusions they developed were different, tailored to their own context and tradition, but there were parallels.

These inclusions and exclusions also altered the map of Ottoman enslavement. At the beginning of the eighteenth century, the Ottomans had regarded their entire neighborhood as a slaving zone, though limited by specific treaties against raiding, in contrast to the imperial no-slaving zone within the empire’s authority.⁸⁷ Now, though, treaties and custom had created an *inter-imperial* no-slaving zone that incorporated the Ottomans’ major sovereign rivals, during peacetime and even during wartime (insofar as prisoners of war were not slaves). Other areas and populations—such as sub-Saharan Africa, Malta, parts of the Caucasus, and even rebellious Ottoman territories—remained, or could become, slaving zones.

⁸⁵ In a sense, they foreshadowed those who, Will Hanley argues, were classified as “locals” or “stateless” and thus fell through the holes in the modern nationality regime. See Hanley, *Identifying with Nationality*.

⁸⁶ Krebs, *Merciful Enemy*, 87–8; see also Bell, *First Total War*, 49; Mégret, “Humanitarian Law’s ‘Other.’”

⁸⁷ Fynn-Paul, “Greater Mediterranean.”

PART V

Fifth Interlude: The Nineteenth Century

In the midst of the Greek War of Independence, Sultan Mahmud II made a decisive move. After accommodating prominent notables early in his reign, he had slowly consolidated his power, but still sought more military and political clout to suppress those notables, to put down rebels, and to deter foreign enemies. So in June 1826, he provoked a rebellion by janissaries in Istanbul, crushed it, and then brutally persecuted the janissaries and their sympathizers. Mahmud pressed ahead with an “absolutist” project, built around a new, disciplined, conscript army. These “Trained Triumphant Soldiers of Muhammad,” or *Nizamiyes* (“Regulars”), were the forerunners of the modern Turkish Army. As the name implied, their organization and training was based on that of Selim III’s New Order army.¹

Under Mahmud’s successor Abdülmecid (r. 1839–61) the reform movement grew into a broader program of centralization, known as the Tanzimat, undertaken by an expanding class of state bureaucrats. While drawing on European models, this project was intended to strengthen the empire, and was often described and justified in Islamic terms.²

No sooner had Mahmud formed his army than the Battle of Navarino and the 1828–29 Russo–Ottoman War thrust the empire into another foreign war. Tsar Nicholas I triumphed, and his troops came within 100 kilometers of Istanbul.³ The resulting 1829 Treaty of Adrianople not only paved the way for Greek independence, but also forced the Ottomans to recognize Russian sovereignty over the South Caucasus (including Georgia), and a greater degree of autonomy and Russian influence in the Danubian principalities. Almost as soon as this crisis ended, Mahmud faced off against Mehmed Ali of Egypt, who, after supporting the sultan against Greek rebels, now sought to conquer the province of Syria and secure permanent autonomy for himself and his successors.⁴ He dispatched his son İbrahim and his conscript army to invade Syria and Anatolia, defeating Mahmud’s Regulars in two conflicts fought in 1831–33 and 1839–40.

¹ The word *Nizamiye* only came into widespread use after 1839: Şimşek, “Little Mehmeds,” 272. See also Yaycioğlu, *Partners of the Empire*. Except where otherwise noted, this narrative draws on Aksan, *Ottoman Wars*; Quataert, *Ottoman Empire*. “Absolutist” is Aksan’s term.

² Anscombe, “Ottoman Reform”; Abu-Manneh, “Gülhane Rescript.”

³ Aksan, *Ottoman Wars*, 355.

⁴ Abu-Manneh, “Genesis of a Conflict.”

On both occasions, France, Britain, and even Russia intervened to save Mahmud. French and British pressure was also an important factor preventing the Russians from advancing further in 1829. These two maritime empires were rising to global preeminence, both politically and economically, and they now became more major players in Ottoman history than before. British officials particularly feared the consequences if Nicholas (or Mehmed Ali) were to conquer Istanbul. Would a Russian victory give that empire decisive superiority over other powers? Would it threaten British India? Would the Russians partition the Ottoman Empire, as they had Poland? If they did, which powers would get which pieces? Would the question provoke a European war? In Britain, such fears went back at least to Russian victories in the 1787 War, but they became more pronounced in the early nineteenth century, hardening into a long-lasting diplomatic issue known as the "Eastern Question." British and French discourse also grappled with larger cultural questions: how "European" was Russia, or the Ottoman Empire? Indeed, Russians themselves engaged in this debate.⁵

Outside help had a price. In the 1833 Treaty of Hünkâr İskelesi, the Porte agreed to close the Dardanelles to foreign warships, if Russia should request it during wartime. Five years later, the Ottomans, through the Treaty of Balta Limanı, opened their markets to British goods, and made the Capitulations, formerly (in theory) revocable at the sultan's pleasure, permanent. Increasing numbers of foreign subjects, and Ottomans under their protection, were thus largely immune to Ottoman law, subject only to consular courts, and enjoyed special commercial and tax privileges. The Tanzimat-era Ottoman state, concerned with increasing its bureaucratic power within its borders, perceived this condition of "extraterritoriality" as a threat to its sovereignty, but it was not abolished until after the Great War.⁶

Another manifestation of European power was the arrival of abolitionism. In the Atlantic world, the confluence of evangelical Christianity and the Enlightenment produced an organized movement sympathizing with the plight of African slaves.⁷ These activists, who eventually won over the British government, first targeted Atlantic enslavement. However, as discussed in Chapter 8, British power in the 1840s allowed them to press demands for the Ottomans, too, to abolish slavery and the slave trade. In the face of Ottoman resistance, British diplomats settled for treaties curbing the trade in the Indian Ocean. Russia also moved against the Black Sea slave trade. Abolition was also the forerunner of a wider movement, humanitarianism, which aimed to alleviate human suffering both by providing immediate relief and through social and political reforms. This movement had its own dark

⁵ Firges, *Uropäische Gleichgewichtspolitik*; Macfie, *Eastern Question*; Taki, *Tsar and Sultan*; Frary and Kozelsky, "Introduction"; Taki, "Orientalism"; Cunningham, "Ochakov Debate."

⁶ Kayaoglu, *Legal Imperialism*; Benton, *Law and Colonial Cultures*, 245; Ahmad, "Ottoman Perceptions"; Horowitz, "State Transformation"; Kasaba, "Treaties and Friendships."

⁷ Barnett, *Empire of Humanity*, 57–60; see also Drescher, *Abolition*; Hunt, *Inventing Human Rights*.

side. Abolition, humanitarianism, and liberal ideals in general could be invoked to legitimate colonial conquest and exploitation.⁸

When Ottoman–Russian rivalries again erupted in 1853, they quickly entangled France and Britain, which worried about Russia’s growing power. Tsar Nicholas I claimed a legal right to protect Ottoman Christians, based on a dubious reading of the Treaty of Küçük Kaynarca, and deployed this argument against both the Porte and Britain and France. At first, the Regulars held their own on the Danube, but they had less success in the Caucasus. In 1854 French and British troops arrived to help the Ottomans, and then invaded Crimea. They besieged the Russian port of Sevastopol, giving the war its European name—the Crimean War.⁹

This conflict ended with the 1856 Treaty of Paris, signed not only by the Ottoman and Russian empires but also by Britain, France, and their ally Piedmont-Sardinia. Russia agreed to demilitarize the Black Sea, and to return Bessarabia (acquired in the 1812 Treaty of Bucharest) to Moldavia, which along with Wallachia remained an Ottoman tributary. After the treaty Russia also consolidated its control over the North Caucasus, expelling hundreds of thousands of Circassians.¹⁰

Beyond its practical effects in the Black Sea region, the Treaty of Paris extended to the Ottomans the benefits of the Concert of Europe: the cartel of great powers that, since the 1815 Congress of Vienna ending the Napoleonic Wars, consulted each other on diplomatic matters to avoid war and revolution. Ottoman membership in the Concert was politically important, and it symbolically gave the Ottomans prestige equal to that of Britain, France, Russia, Prussia, and Austria. It is often said to have admitted the Ottomans into the international legal system, but it is not clear if it was seen at the time as having this effect. More important in the moment was the signatories’ commitment to respect the Ottoman Empire’s territorial integrity.¹¹

The war also spurred all the belligerents to undertake reforms. Even the victorious British, in response to public shock over officers’ incompetence and soldiers’ suffering, approved a variety of “reforms promoting middle-class ideals,” not only in the military but in government, education, and social welfare.¹² The Ottoman and Russian empires went further. Sultan Abdülmecid, tacitly in return for the Treaty of Paris’s guarantees, issued an imperial edict (the 1856 *Islahat Fermanı*/Reform Edict) extending the Tanzimat project by declaring that all of his subjects (with an emphasis on men), regardless of religion, were to have legal and political equality and freedom of religion.¹³ The Tanzimat era saw a succession of new, codified

⁸ See generally Barnett, *Empire of Humanity*; Pitts, *Turn to Empire*; Weiss, *Captives and Corsairs*; Lutz Kern, “Legal Change”; Benton, “Abolition.”

⁹ For the war and its context, see Badem, *Crimean War*; for diplomacy see also Davison, “Italian Text”; Davison, “Skill and Imbecility.”

¹⁰ Kreiten, “Colonial Experiment.”

¹¹ See Genell, “Semi-Sovereignty”; Rodogno, “Family of Nations”; Naff, “States System”; Wood, “Treaty of Paris.”

¹² Figes, *Last Crusade*, 469.

¹³ For the reforms’ gendered dimension see Zilfi, *Women and Slavery*, 214, 234–5; for the Crimean War’s effects more generally see Badem, *Crimean War*.

statues that altered basic tenets of Ottoman society and politics, including a European-style penal code; a law on land title; a uniform codification of civil law, based on the Islamic tradition; and new courts to enforce it. In 1876, the empire adopted a constitution, and formed a parliament, though Sultan Abdülhamid II (r. 1876–1909) quickly suspended both. Most notable for our purposes was a Nationality Law of 1869, which delineated who was and was not an Ottoman subject—a status now seen as equal and uniform, regardless of religion. These reforms were to some extent aimed at imitating perceived European advantages. More importantly, they gave the Ottoman state and its bureaucrats more direct authority over its subjects. Reforms cut through intermediaries and different structures of authority to “modernize” the empire and uniformize its various components, allowing the state to act directly on its nominally equal subjects.¹⁴

Tsar Alexander II (r. 1855–81) undertook reforms of his own after the Crimean War. Partly to increase the male population available for military service, he abolished serfdom in the 1860s, and instituted universal, equal male conscription in 1874. This went along with an initiative, in 1864, to define subjecthood and equalize different categories of loyalty to the Russian state, building on concepts from European international law. As in the Ottoman case, this broke with traditions of separate “deals,” with different groups by instead creating a dichotomy between (in theory) uniform, equal Russian subjects, and outsiders.¹⁵ Culturally, Russians more and more saw their contestation with the Ottoman Empire not as “an old dance between two rivals,” but as a confrontation between civilizations—with Russia representing Europe.¹⁶

Alongside reforms, rebellions by Ottoman subjects, particularly, became more internationally relevant in the nineteenth century, beginning with the Greek and Serbian revolts. Ottoman responses, not only in Greece but also later in Bulgaria, Crete, and eastern Anatolia, drew protests, and occasionally military interventions, from the Christian powers. Those powers—including Russia—debated whether, and when, such intervention was legal or appropriate.¹⁷

The late nineteenth century, indeed, saw a burgeoning of international legal discourses. Inspired by liberal and humanitarian ideals, an emerging class of lawyers from Europe and Russia, writing in French, English, and German, set out to codify international law and “civilize” both states and societies. (I will refer to the combination of this codified law, and the earlier European Law of Nations, as “modern international law.”) To some extent, “positivist” scholars de-emphasized the natural-law approaches of previous treatise-writers, instead looking to state action and treaties as sources of law. Many of the same scholars, however, perceived a division between Christian states that were fully “civilized” and eligible to participate in customary international law, and others that were not. International legal doctrines

¹⁴ For the Nationality Law in particular, see Kern, *Imperial Citizen*; Hanley, “Ottoman Nationality”; Salzmann, “Citizens”; see also Deringil, *Well-Protected Domains*; Badem, *Crimean War*; Barkey, *Empire of Difference*; Makdisi, “Ottoman Orientalism”; Deringil, “Compulsion in Religion.”

¹⁵ Lohr, *Russian Citizenship*, 55–6; see also Figes, *Last Crusade*; Kimerling-Wirtschafter, *Age of Serfdom*; Brown, “Serfdom’s Demise.”

¹⁶ Frary and Kozelsky, “Introduction,” 10.

¹⁷ Rodogno, *Against Massacre*.

systematically excluded the victims of colonialism, and indeed were used to legitimate empire. Many counted the Ottomans among those excluded.¹⁸

The Porte itself also turned to modern international law. Ottoman officials were sporadically trained in the European Law of Nations and in recent treaties from the late 1850s, while the Foreign Ministry recruited legal advisors from the 1860s, and then formalized the Office of Legal Counsel in 1883. This office, staffed at first by foreign lawyers, was charged with interpreting, applying, and advising on international law. Aimee Genell argues that it was founded precisely to use the law “as a defensive strategy against Europe and as a tool to consolidate power within the empire.”¹⁹ The Ottomans were not alone, as other “semi-peripheral” states also “appropriated” international law for their own projects, whether to claim membership among the civilized nations or to question the concept’s validity.²⁰

These trends of rivalry, reform, intervention, and law converged in 1877, when the Porte responded to political unrest in Bulgaria by dispatching irregulars, who committed atrocities against civilians. Russian intervention, justified by humanitarian claims, led to a new Russo–Ottoman conflict. The Russians again emerged victorious, despite the Ottomans’ prolonged defense of the city of Plevna. The resulting Treaty of San Stefano (1878) went so far that the other European powers intervened. The resulting Congress of Berlin scaled back Ottoman losses, but these still included most of the Balkans. Bulgaria gained autonomy and Romania, which had earlier been forged mainly from the Ottoman tributaries of Moldavia and Wallachia, won independence.

¹⁸ Lemnitzer, *End of Privateering*; Anghie, *International Law*; Koskenniemi, *Gentle Civilizer*; Gong, *Standard of “Civilization”*; Rodogno, “Family of Nations”; Genell, “Semi-Sovereignty.”

¹⁹ Genell, “Legal Counsel,” 256. See also two recent special journal issues focused on Ottoman international law: *Journal of Ottoman and Turkish Studies* 3:2 (2016, Lâle Can and Christopher Low eds.); *Journal of the History of International Law* 18 (2016, Umut Özsü and Thomas Skouteris eds.).

²⁰ Lorca, *Mestizo International Law*; see also Aydın, *Anti-Westernism*; Aral, “Ottoman ‘School’”; Howland, “Victory over Russia”; Howland, “Sino–Japanese War”; Horowitz, “State Transformation”; Holquist, “Civilized State.”

9

Military Reform, Reciprocity, and Improved Treatment

On a late summer day in 1828, Major Aleksandr Grigorievich Rozalion-Soshal'skii got lucky. The Russian and Ottoman empires had gone to war earlier that year, following conflicts brought on by the Greek War of Independence. When Rozalion-Soshal'skii's small group of Russian cavalry was overrun by a much larger Ottoman force, he avoided death only because one of the attackers had forgotten to load his pistol before firing. Rozalion-Soshal'skii thus became an Ottoman prisoner of war. Like Tisdale, he was released at war's end, and wrote a memoir detailing his experiences. (Captivity narratives, usually focused on the Caucasus, had become a burgeoning genre of Russian literature.)¹ His memoirs thus provide an entry point to consider the changes, and continuities, over the four intervening, and tumultuous, decades in Ottoman history.

This chapter examines captivity in the first two wars fought by the new Ottoman Regular army: the 1828 War, in which Rozalion-Soshal'skii was captured, and the Crimean War (1853–56). We will see that the Ottoman prisoner-of-war system changed in response to the new incentives and interests created by these forces, as the Porte took conscious efforts to improve prisoners' treatment in several ways. The result was that during the Crimean War, when the Ottoman alliance with France and Britain brought these three states' captivity systems into direct contact with each other, all appeared roughly comparable, at least for enemy combatants and wartime detention. But captivity overall remained within the basic framework of the Ottoman prisoner-of-war system, and the Law of Release, created over the preceding century. In short, while there were important changes, and convergences with European practices, Ottoman state interests and Russo-Ottoman legal traditions still remained paramount in governing captivity (with one major exception, to be discussed in Chapter 10, for the enslavement of civilians).

CONTINUITY AND CHANGE IN THE 1828 WAR

Had Rozalion-Soshal'skii been captured a century earlier—like George de Browne, discussed in Chapter 1—his fate would likely have been determined by ransom.

¹ At least three other officers wrote of their misadventures in Ottoman captivity in the 1806 and 1828 Wars; for a reading of these, and Rozalion-Soshal'skii, emphasizing changing perceptions, see Taki, *Tsar and Sultan*, 55–90. I thank Timmy Straw Beezhhold and Elliot Robinson for their translation help. For Russian captivity narratives more generally, see Grant, *Histories of Sovereignty*; Davies, "Prisoner's Tale"; Brower and Layton, "Liberation through Captivity."

Indeed, when first captured, he feared he would be beheaded, made to serve on a ship, or, perhaps, become the “property” of “a pasha.”² But in the custom of the Ottoman prisoner-of-war system, his captors understood that he should be in state custody. Indeed, two soldiers fought over who would have the right to turn him over to their commander and collect the requisite reward. Like Ferrières-Sauveboeuf in the 1787 War, Rozalion-Soshal’skii was dispatched to Istanbul along with other prisoners. His experiences on the road also echo those of Ferrières-Sauveboeuf: the captives rode in carts and on horseback, and the guards cared more about delivering the right number of heads to Istanbul, than whether those heads were still attached to living bodies. Indeed, Rozalion-Soshal’skii encountered the headless body of a prisoner from a previous convoy who, his guards told him, had been killed because he was wounded and could not keep up. These same guards paraded Rozalion-Soshal’skii and his comrades through the streets of Istanbul, as women threw stones at them. His convoy ended, as before, at the Arsenal.³

Yet Rozalion-Soshal’skii’s experiences also illustrate changes in Ottoman captivity since the previous war. He benefited from new Ottoman state initiatives that systematically encouraged soldiers to capture their enemies instead of killing them, and aimed to make captivity less onerous. As we will see, these were steps dictated more by changing Ottoman military interests, than by sentiments of humanitarianism or European pressure.

Both of these developments were tied to Sultan Mahmud II’s creation of a disciplined, European-style conscript army in 1826. The Regulars created a new symmetry between the Russian and Ottoman armies, which affected the Russo-Ottoman rules just as *asymmetrical* warfare has challenged the laws of war in the twenty-first century.⁴ During the 1828 War, Regulars were still only part of the Ottoman army; “more than half” of the empire’s forces were still “irregular bands”—like Mustafa Vasfi, the cavalryman we met in Chapter 8.⁵ These irregulars, typically on horseback, were often referred to as *başıbozüks* (“broken heads” or “undisciplined”). But even in their limited numbers, the Regulars were a priority for Mahmud, and their organization had important implications for captivity.

Ottoman commanders had recognized for decades that when janissaries and irregulars stopped on the battlefield to plunder or to behead captives, they were distracted and vulnerable to counterattacks. Now, with a disciplined conscript army, they could forbid such practices—and they did so. The Regulars, constrained by formal rules, strict discipline, and a professional officer corps, promoted “forebearance,” like European armies of the previous century.⁶ They were less prone to plunder, and more likely to turn over their captives, than previous Ottoman forces had been. One British observer later claimed of the Regulars,

² Rozalion-Soshal’skii, *Zapiski Russkogo Ofitsera*, 11–15.

³ Rozalion-Soshal’skii, 12–27.

⁴ See, e.g., Dunlap Jr., “Lawfare Today”; Jackson, “High Ground.” Both Aksan and Erdem have suggested links between the new army and changes in captivity, but they suggest a sharper break with tradition. See Aksan, *Ottoman Wars*, 357; Erdem, *Slavery*, 44–5.

⁵ Aksan, “Ethnographies of Warfare,” 158.

⁶ The term is from Lynn, *Battle*, 128–9.

“their rallying cry is ‘Long live the Sultan’ . . . Their faculties belong to the state during their period of service.”⁷

Mahmud went further, explicitly ordering that prisoners not be enslaved, and that they not be killed.⁸ He also, at least temporarily, banned his men from cutting off heads and ears. Thus, the British traveler Charles MacFarlane claimed that when, at the beginning of the war, Ottoman light cavalry surrounded and killed thirty Russians, Mahmud “reprobated the practice in the strongest language.”⁹ Rozalion-Soshal’skii’s captors, too, told him that “it is prohibited by the *Nizam asker* and military regulation to cut off ears and hack off heads; that it is prohibited by military custom.”¹⁰ The chronicler Lûtfî argued that in the time of the janissaries, these instructions would have met resistance.¹¹

These orders were widely disseminated, even beyond the Regulars. Not only Rozalion-Soshal’skii, but also other prisoners he met, had heard about them.¹² Over the course of the war, at least 1,691 captives were taken into state custody and sent to Istanbul, in groups of up to 328.¹³ Even badly wounded Russians were often allowed to survive—including a comrade of Rozalion-Soshal’skii’s, and over 100 others, many on stretchers, who arrived in Istanbul in October 1828. With medical care still rudimentary, many died of their wounds. Other risks also remained: these prisoners reported that some of their guards, fearing a Russian attack, considered killing them.¹⁴ (Hanafi law reluctantly allowed execution in such cases, and as noted earlier, Ottoman forces could be quick to invoke this rule.)

But Mahmud’s orders were not *always* followed. Ottoman soldiers sometimes beat, or even killed and decapitated, those who surrendered.¹⁵ More commonly, they continued to cut heads and ears from the dead. MacFarlane noted that “despite the command of pashas” and officers, “some of the wilder of the troops, when scattered and unobserved” still killed wounded men. He met one Russian prisoner who was missing an ear, while another prisoner’s ear, he saw, had a slit—as if someone had begun to cut before being ordered to stop.¹⁶ This was especially true among irregular military units; “as they have no such strict obedience to authority like the *nizam*,” Rozalion-Soshal’skii wrote, “this [order] is not always fulfilled.” This—illustrating again the importance of reciprocity—led Russian

⁷ Slade, *Crimean War*, 124. See also Aksan, *Ottoman Wars*, 357; Frankland, *Travels*, I:88.

⁸ MacFarlane, *Constantinople*, 48–9; see also Aksan, *Ottoman Wars*, 357.

⁹ MacFarlane, *Constantinople*, 46–7.

¹⁰ Rozalion-Soshal’skii, *Zapiski Russkogo Ofitsera*, 18; see also Aksan, *Ottoman Wars*, 357.

¹¹ Akbayar, *Lûtfî Tarihi*, 222–3.

¹² BOA-HAT 740/35044M, 1057/43499E; Rozalion-Soshal’skii, *Zapiski Russkogo Ofitsera*, 17, 26, 35, 48.

¹³ BOA-CAS 10015, 16694; BOA-CBH 6113, 12433; BOA-CHR 3549, 5887, 6667; BOA-HAT 494/24276, 575/28140, 711/34035, 750/35044D, 740/35044H, 740/35044J, 1011/42436, 1018/42590, 1018/42590B, 1020/42608, 1020/42608A, 1020/42610H, 1030/42861, 1032/42869, 1034/42904, 1034/42904A, 1034/42907, 1036/42957B, 1038/42996, 1039/43024, 1039/43024A, 1039/43024A, 1062/43613, 1062/43617, 1065/43697, 1073/43914, 1075/43940H, 1080/43984B, 1142/45416B. Russian sources suggest a total of about 1,500: Bitis, *Eastern Question*, 352–3 n. 17.

¹⁴ Rozalion-Soshal’skii, *Zapiski Russkogo Ofitsera*, 69–70.

¹⁵ Taki, “Horror of War,” 279.

¹⁶ MacFarlane, *Constantinople*, 47–8; Rozalion-Soshal’skii, *Zapiski Russkogo Ofitsera*, 70.

soldiers to “avenge themselves mercilessly on wounded and captive Turks, contrary to the commands of their officers.”¹⁷

These commands also prompted at least some public discontent. MacFarlane recounted a conversation between two Istanbul artisans, in which one lamented that although the Russians were invaders, “we are not to cut the *pezavenks*’ [pimps’] throats when we have an opportunity, and must not make them slaves, though the blessed prophet himself has authorized us so to do.” The other added that “if you see an unclean Muscove kill your very child, or your brother in battle, and you should afterwards make him prisoner, you are to put your *yataghan* [sword] into your girdle, and kindly tell him to walk this way...you must not even slit the *Karata’s* ears!”¹⁸ A few years later others similarly griped about the food given to prisoners from Mehmed Ali’s Egyptian army.¹⁹ However, these were not soldiers speaking—they were aging tradesmen, grumbling about change and perhaps justifying why *they* did not go to war. Neither of them, MacFarlane archly noted, was “likely to be a great cutter of ears.” Still, their comments may suggest that older men—probably along with some irregulars—felt that a vernacular law of enslavement and killing was being challenged. This had, of course, already been undermined over the previous decades.

BENIGN AND AGGRESSIVE RECIPROCITY

Mahmud moved on from regulating the moment of capture, to improve Russian prisoners’ treatment while detained. There were deeper reasons for this than just military discipline. Reciprocity had long been a key tenet of captivity between the Ottoman and Russian states; we have seen it in the context of the Law of Release, and in wartime negotiations between the Ottoman state and its prisoners. The new Regular army, however, changed the incentives that underlay reciprocity. Conscription, Veysel Şimşek shows, brought with it distinctions between civilians and the military, and between privileged officers and enlisted men, who served uncomfortably and often unwillingly. While conscription reached perhaps a quarter of all eligible Muslim men by 1832, it was not uniform. Some men were impressed, while others were conscripted as a punishment, either for individual crimes or after rebellious Muslim communities were suppressed. Conscripts’ conditions and medical treatment were often poor, and in the 1830s, 9–10 percent of Regulars died annually from disease or other non-combat causes. (The figure for the Russian army was 3.7–9.5 percent, and for European armies, 1–2 percent.)²⁰

Mahmud and his advisors recognized that conscription bought with it some of the Russian army’s strengths, but also its weaknesses. Unlike irregulars, captured conscripts would return to service when they were released. But at the same time,

¹⁷ Rozalion-Soshal’skii, *Zapiski Russkogo Ofitsera*, 18.

¹⁸ MacFarlane, *Constantinople*, 48–9; see also Aksan, *Ottoman Wars*, 357.

¹⁹ Şimşek, “Military Recruitment,” 98.

²⁰ Şimşek, “Little Mehmeds,” 266, 271–2, 276–80, 283, 285; see also Yıldız, *Neferin Adı Yok*; Aksan, *Ottoman Wars*. The contemporary Egyptian army offers many instructive parallels: Fahmy, *Pasha’s Men*.

conscripts frequently deserted. For decades, the Ottoman state had cooperated with Russia (in peacetime) to return deserters, and now the Porte itself faced this problem.²¹ Ottoman soldiers, like Russian soldiers, were a state asset, to be safeguarded against desertion, surrender, and death alike. Mahmud and his advisers hoped that treating enemy prisoners better could safeguard their own military manpower, while undermining the Russians'. Improved treatment might induce Russia to reciprocate, meaning more captured Ottoman officers and soldiers would return to service. At the same time, Russian soldiers, comforted by the knowledge that captivity was less miserable than before, might be tempted to surrender or desert to the Ottoman side. Reciprocity, in other words, had two faces—one aggressive, the other benign.²²

This began early in the war, as the Russian military recognized the new Ottoman Regulars needed different treatment than the irregulars they were accustomed to fighting. Conscripts—like Russian soldiers—would return to service after being released from captivity. By contrast, if captured Ottoman irregulars were released, they might simply disperse. So, when the Ottoman city of Edirne surrendered in 1829, the terms mandated that “[t]he Irregular Turkish Troops will evacuate disarmed; the Regular Troops will remain and become Prisoners of War.”²³ Mahmud and his Council also recognized these differences: when the war ended, soldiers released by the Russians were separated out from civilian captives and returned to service. Record books listed how many men of each rank and regiment had been set free. Mahmud ordered they be closely inspected, as he worried that released soldiers might shed their uniforms in order to pass as irregulars and thus return home.²⁴

The Russians also, it seems, encouraged Ottoman soldiers to surrender in the first place. In May 1828, an Ottoman lieutenant named Selim Ağa was captured while purchasing supplies along the Danube. The Ottoman commandant of Mácin/Maçın was astonished when, on 27 May, Selim reappeared. After being brought before Tsar Nicholas I, he said, he had been given a diamond ring and 25 gold pieces, and then set free, along with an officer and 40 men taken in another action. Selim was sent to Istanbul, where Mahmud added his own gift to that of the tsar. This one-upmanship reflected the Porte's suspicion of Russia. Mahmud declared that the enemy did not fight honestly, and he feared that they were attempting to undermine the morale of his new army. As one official wrote, the Russians' actions were “composed of a ruse and trick.”²⁵

Despite or perhaps because of such Russian perfidy, the Council felt that “looking after their [prisoners'] comfort in some way will be suitable, in order to reciprocate the customs that the Muscovites are now keeping.”²⁶ Therefore,

²¹ See Smiley, “Burdens of Subjecthood”; Şimşek, “Little Mehmeds.”

²² For similar dynamics see Wallace, *Life and Death*, 46–7; Morrow, *Order within Anarchy*, 196.

²³ TNA-FO 78/180 #39.

²⁴ BOA-DASMd 37544; BOA-DBŞMd.9866; BOA-HAT 1048/43239E, 1052/43306, 1076/43947D; TSMAd 6789.

²⁵ BOA-HAT1051/43283; see also BOA-HAT 521/25492, 1051/42383A, 1237/48151.

²⁶ BOA-HAT 1073/43893.

Mahmud commanded that those Russian prisoners who were important be well treated. Reflecting these orders, one Ottoman officer told Rozalion-Soshal'skii that "his prince wishes that the prisoners be treated humanely, and properly, according to their rank."²⁷ He exaggerated his own rank from major to colonel in hopes of better treatment.²⁸ Social connections had long been helpful to captives, and from at least the mid-eighteenth century, the Ottoman state had recognized military officers' particular political value. But now benign reciprocity further benefited officers.

If Mahmud feared the Russians would tempt his trained officers to surrender, his subordinates were even more concerned about the army's conscripted soldiers. In August 1828, Hüseyin Pasha, commander of the main Ottoman army in the Balkans, reported that the Russians were trying to "persuade" and "seduce" their captives.²⁹ Furthermore, stories circulated in Istanbul that the Russians were distributing money to captured ex-janissaries, and promising "that their corps should be reestablished."³⁰ But here again, the Ottomans recognized that their new army's weaknesses were also the Russian army's.

To this end, a translator was specifically assigned to interrogate deserters (at the fortress of Silistria alone, seventy or eighty of these arrived in the first few weeks of war) and prisoners. Mahmud himself read their reports.³¹ "Seducing" Russian enlisted men to surrender or desert soon became an important military goal. This type of aggressive reciprocity was one motivation for Mahmud's orders that Russian prisoners be taken alive, and treated better. Here again, Russian prisoners played a role: the chronicler Lûtfî noted that the Council learned, from interrogated captives, that many of their comrades would desert or surrender, if they did not fear for their lives in Ottoman custody.³²

Hüseyin Pasha drew the same conclusion. Even as he reported Russian attempts to "seduce" Ottoman prisoners, he recommended the Porte pursue "reprisal in kind" (*mukabele bi'l-misl*) by "spread[ing] division in the army of the enemy."³³ His advice—which the Porte passed along to the commandant of Vidin, and perhaps to other commanders—was to separate officers from enlisted men, and release some of the latter after reading them the following message:

Thanks be to God, we are among the people of Islam, and in our religion and sect it is not righteous to spill blood futilely. But Russia drives all of you from your homeland and brings you to be killed in a far off place. We will mercifully set you free. Tell your comrades about these events; let them abandon their muskets at the moment of battle and come [to us], and let them experience gifts and favors in the shadow of the sultan's mercy.³⁴

Mahmud's advisers went so far as to consult prisoners in the Arsenal about whether this message could be effective—in a sense, using captives as a focus group to evaluate

²⁷ Rozalion-Soshal'skii, *Zapiski Russkogo Ofitsera*, 17.

²⁸ Rozalion-Soshal'skii, *Zapiski Russkogo Ofitsera*, 39.

³⁰ TNA-FO 78/180 #40.

³¹ BOA-CAS 25689; BOA-HAT 1015/42491E, 1017/42546C, 1020/42608C, 1065/43694, 1066/43719, 1070/43788, 1090/44290B.

³² Akbayer, *Lûtfî Tarihi*, 222–3.

³³ BOA-HAT 1021/42650D. For the term see Şakul, "Düşünce."

³⁴ BOA-HAT 1032/42876C.

²⁹ BOA-HAT 1021/42650D.

their new advertising. But the prisoners were cautious. It was forbidden, they explained, to remain in the main Russian camp after returning from captivity—presumably they would be sent to areas where they could not spread dissension. Moreover, soldiers feared punishment if they left the battlefield without a proper excuse.³⁵

While this policy may not have succeeded, it illustrates the Porte's objectives and tactics in pursuing benign and aggressive reciprocity. These also extended beyond the point of capture, into detention. The Council reminded Mahmud that "it is a long-standing tradition that Muscovites who are captured in time of war, when sent to Istanbul, be put to labor in the Imperial Arsenal like other criminals."³⁶ (As we had seen, this had not quite been true in recent conflicts.) Ottoman custom should be modified, the Council felt, both to reciprocate Russian kindness, and because "aside from these prisoners being, as the subjects of an independent state, unlike the other criminals who are laboring, their captivity is temporary." This comment summed up Ottoman attitudes that had been current since the 1780s, if not the 1770s: prisoners of war were temporary, and their status as subjects of a recognized sovereign was important.

To achieve these goals, the Council suggested sending the prisoners to an alternate place of confinement. Moving them across the Sea of Marmara was considered, but rejected, "because the inhabitants of Anatolia are rude-tempered men." (Coincidentally, this echoed Rozalion-Soshal'skii's fears about being sent to Anatolia.) The Council felt that the island of Heybeliada/Khalki, one of the Princes' Islands in the Marmara off Istanbul, was more suitable. As the location of a new Naval School, it had connections to the Arsenal, and also housed two Orthodox monasteries where the prisoners could be settled. Sending prisoners to an island also built on precedents, such as that of moving captives to Rhodes and Lemnos in the 1787 War. But while Rhodes and Lemnos were traditional places of exile for Ottoman officials, Heybeliada was a destination for picnicking Istanbul families in the summertime. Even the Austrian ambassador had a villa on the island. To prevent escape, guards were sent from the Arsenal, and Mahmud ordered that the leaders of the Greek Christian community on Heybeliada be held responsible if any of the prisoners managed to escape on a foreign Christian ship. The Council consulted the Şeyhülislam, who gave his religious and legal approval to the plan.³⁷

HEYBELIADA

Heybeliada thus became a prisoner-of-war camp, eventually holding 800–1,000 Russian prisoners.³⁸ A few remained in the Arsenal, but not many—it held only

³⁵ BOA-HAT 1021/42650D.

³⁶ BOA-HAT 1073/43893.

³⁷ BOA-HAT 1073/43893; Akbayan, *Lütfi Tarihi*, 361; Rozalion-Soshal'skii, *Zapiski Russkogo Ofitsera*, 18, 69, 102–3, 109. For background on Rhodes, Lemnos, and Heybeliada, see Frankland, *Travels*, I:160–3; Emecen, *Taylesanizâde*, 63, 101, 181, 203–4, 214–15, 252, 427.

³⁸ BOA-HAT 1053/43394; Rozalion-Soshal'skii, *Zapiski Russkogo Ofitsera*, 71, 86–7.

238 State Slaves (probably captured Greeks and corsairs) at the end of 1828. This was barely more than the 215 present before the war in March 1826.

Rozalion-Soshal'skii arrived on Heybeliada in September 1828, finding a community of Russian soldiers under guard. These prisoners of war were even more sharply separated from other captives than they had been in previous wars. Not only were they held in an entirely separate location, but as if to mark their continued identity as Russian soldiers, the prisoners still wore their uniforms, and the Porte even ordered that these be replaced from captured Russian stocks. The Russians maintained their own command structure, with officers segregated from and superior to enlisted men. They were not primarily there for labor—as before, the Ottomans had little need for galley rowers. Some Russian captives were sent to the Istanbul suburb of Küçükçekmece to help build ships and mine coal, while those kept in the Arsenal likely also did some work. But those on Heybeliada—the majority—were only allowed to work for the island's Greek residents (on their own initiative) after repeated requests.³⁹ Like Ottoman prisoners of war in earlier conflicts, these men were on the island for political reasons, awaiting return upon peace, and their labor was only incidental in Ottoman eyes.

At first, Heybeliada was a place of “guards, gates, shortages, and deadly boredom.”⁴⁰ Things could have been worse; the prisoners received rations, basic medical care, and spending money, and could correspond with European diplomats in Istanbul. The Danish chargé d'affaires, Hübsch, maintained a formally banned, but tolerated, correspondence with the Russian government. He also sent medicine, and arranged for a doctor to visit the island. The Austrian envoy, Franz Freiherr von Ottenfels, also sent aid, and even spoke with Rozalion-Soshal'skii personally while visiting his villa on the island.⁴¹

Conditions drastically worsened over the winter, and soon boredom was the least of the captives' problems. Disease ran rampant. A Russian fleet blockaded the Dardanelles, causing a food shortage in Istanbul, and on Heybeliada. By the summer of 1829, as many as 300 prisoners had died. The Porte was well aware that its supplies were insufficient to feed the captives, and considered a prisoner exchange with Russia, through Hübsch's mediation. This would be humane (*insaniyet*), the Council felt, but might reveal Ottoman supply shortages to the Russians. (Rozalion-Soshal'skii was well aware of the Porte's logistical situation.) The solution, the Council suggested, was to have a prominent officer go to Heybeliada, under the pretext of visiting the Naval School. While there, he would hear the grievances of ill Russian prisoners, providing an excuse to send 100–150 captives to Odessa on Austrian ships, allegedly out of mercy. It is unclear if this plan was adopted before peace, but Ali Bey, “the governor of Galata and chief of the customs of Constantinople,” did visit Heybeliada, and 100 prisoners were subsequently sent to Odessa.⁴²

³⁹ BOA-CBH 2914, 4593; BOA-HAT 1073/43893; Rozalion-Soshal'skii, *Zapiski Russkogo Ofitsera*, 57, 71.

⁴⁰ Rozalion-Soshal'skii, *Zapiski Russkogo Ofitsera*, 62.

⁴¹ BOA-HAT 1073/43893; Bitis, *Eastern Question*, 352–3 n. 17; Rozalion-Soshal'skii, *Zapiski Russkogo Ofitsera*, 55–6, 63–5, 88.

⁴² Rozalion-Soshal'skii, *Zapiski Russkogo Ofitsera*, 71–3, 79–80, 86–7, 105–6. For the Ottoman discussions, see BOA-HAT 1049/43263, 1053/43394, 1073/43922C; see also Daly, *Eastern Question*, 31.

Much of Rozalion-Soshal'skii's memoir traces his on-again-off-again disputes with a rotating cast of Ottoman officers assigned to the island. These reveal continuities with captor–captive relations in prior conflicts, but also an increasing mutual recognition between militaries that were now structurally similar. At times relations were good; at times they collapsed, as Ottoman officers hindered access to water or, on one occasion, struck a Russian officer with a whip. Like their predecessors in the 1787 War, the captured officers were not hesitant to bargain for better treatment, by sending letters to Hübsch and, on one occasion, directly to the Kapudan Pasha. As before, however, when the officers invoked the “Law of Nations” or “people’s rights” in their letter to that officer, this fell on deaf ears.⁴³

Personal connections were more useful—and here, the new symmetry between the Ottoman and Russian armies helped build camaraderie between officers. For example, one Ottoman commander, Sağ Kol Ağası Hasan, was curious about the Russian officers’ ranks. He converted them into Ottoman equivalents, before declaring that he still outranked all of them. But as he began drinking tea with the captives, he expressed the solidarity of officers across imperial boundaries, declaring “I am an officer, you are also an officer. Let us command together!”⁴⁴ At another critical moment, Rozalion-Soshal'skii was pleased by the arrival of an unexpected visitor, Major Hafız Ağa. Recognizable as a Regular officer by his uniform and fez, Hafız had become acquainted with one of the Russian officers during the latter’s detention in the camp. In a friendly pipe-smoking session, Hafız expressed his admiration for the officers’ bravery, and his hopes that Mahmud’s reforms would be as successful as Peter the Great’s. He listened to the prisoners’ concerns, and interceded on their behalf with Hasan.

Like Mahmud, Hasan also recognized the benefits of benign reciprocity—though on a smaller scale. Looking to the future, he “asked us for evidence within a few days that, being put in charge of prisoners, he treated us well. This he needed, he said, so that if he were to be sent to the army and taken prisoner, he would receive a good reception from the Russians.” The prisoners gave Hasan, and some of his subordinates, written affidavits to this effect. Yet here again, the captives’ assertiveness is apparent: when Hasan repeatedly refused permission for the hunger-wracked prisoners to earn money by working for the island’s Greeks, they demanded the affidavit be destroyed.⁴⁵

CONTINUING THE LAW OF RELEASE

As a Russian military officer captured by forces from the main Ottoman army, held in a prisoner-of-war camp, and released when the war ended, Rozalion-Soshal'skii gained as much as anyone could from Mahmud’s changes in Ottoman captivity. But the experiences of others—converts, Russian Muslims, Ottomans, and those captured and held outside the central state’s networks—show that beyond

⁴³ Rozalion-Soshal'ski, *Zapiski Russkogo Ofitsera*, 65, 74, 84.

⁴⁴ Rozalion-Soshal'ski, *Zapiski Russkogo Ofitsera*, 82–6.

⁴⁵ Rozalion-Soshal'skii, *Zapiski Russkogo Ofitsera*, 92–3.

Mahmud's reforms, the prisoner-of-war system and the Law of Release continued much as it had in previous conflicts.

Now as before, a number of Russian prisoners—at least seventy-three during the 1828 War—converted to Islam, some of them aiming to avoid a return to military service. Some converted in Istanbul, while others did so in the field; at least one man deserted, found his way to Ottoman lines, and announced his intention to convert immediately. Rozalion-Soshal'skii, in fact, claimed that *all* converts were deserters. As with deserters, the Porte hoped that disaffection would spread to others, so just as they contemplated sending deserters back, they kept converts among other captives in hopes they would proselytize among their comrades.⁴⁶

Russo-Ottoman customary law still required that conversions be certified and documented. So when, just after the end of the war, the Council worried that Russian diplomats would claim two prisoners against their will, it ordered that they be taught the principles of Islam, and enlisted in the Ottoman army. Yet, as in previous wars, the legalization of conversion—its transformation into a legal device for changing allegiances—made Ottoman officials suspicious that captives were manipulating it insincerely. Thus, Mahmud did not fully trust the deserter who immediately sought to convert, partly because each time he was interrogated, his story about Russian troop deployments changed. Therefore, Mahmud cautioned against trusting the man, and ordered that he be watched while he learned Turkish.⁴⁷

Russian Muslims' status also drew upon earlier precedents. At least one captured Kazan Tatar was apparently released, having deserted voluntarily and immediately recited the Muslim confession of faith upon arrival.⁴⁸ It is unclear whether this was a one-off exception, or a concerted policy. It marked a departure from Selim's less forgiving approach to such prisoners.

Ottoman Christians who fought against the Porte remained in more jeopardy than their Russian counterparts. Rozalion-Soshal'skii described an incident in which the commandant on Heybeliada singled out one captive and "claimed that he was from Moldavia, therefore a Turkish citizen, and needed to go to" the Arsenal, rather than remain on the island.⁴⁹ This threat was not carried out; it was only posturing, as part of a showdown with the Russian officers. But it clearly implied that Ottomans were at times treated differently from Russian soldiers and subjects. This, of course, should not have been surprising, given that the 1828 War arose out of Russian intervention in the Greek War of Independence, where rebels were massacred or enslaved in large numbers.

Ottoman archival sources, as in other conflicts, give far less information about captives taken and held outside of central state networks. It is likely that the prisoner-of-war system, and Mahmud's changes to it, had little effect on the experiences of captives taken by irregulars in the Caucasus. This had been the case in earlier conflicts—as we saw from the differing status of Russians captured at Anapa

⁴⁶ BOA-HAT 1038/42996, 1038/42996A; TNA-FO 78/180; Rozalion-Soshal'skii, *Zapiski Russkogo Ofitsera*, 100; Bitis, *Eastern Question*, 352–3.

⁴⁷ BOA-HAT 1079/43964J; for a further discussion see Smiley, "Meanings of Conversion."

⁴⁸ BOA-HAT 1072/43867.

⁴⁹ Rozalion-Soshal'skii, *Zapiski Russkogo Ofitsera*, 82.

in 1790. In Chapter 10, however, we will see that captivity by irregulars in the region became a major flashpoint in Ottoman–British relations later on.

When the 1828 War ended, the Treaty of Adrianople renewed the Law of Release in almost identical terms to those agreed at Bucharest in 1812. “Prisoners of war,” and all captives taken in the future, would be returned without ransom, except for converts. The same would be done for captives taken and found in the future. Like the Treaty of Bucharest, this agreement assumed a defined category of “prisoners of war,” and it required each state to bear the costs of detaining and returning those it had captured.⁵⁰

The release process went quickly, probably because there were few if any Russian soldiers in private hands. The Russians had no legal right to free non-Russian subjects (apart from their ransoming initiative), and they did not seem concerned about those trafficked into slavery. Discussions of exchanging captured soldiers began even before peace, though bad weather, and Mahmud’s insistence on ensuring all Ottoman captives were returned, delayed the ships carrying Russians to Odessa. (Rozalion-Soshal’skii claimed Mahmud wanted more Ottomans back than the Russians had actually captured.)⁵¹ As in 1812, the Porte did not send orders throughout the empire, but did send instructions to the judges of a few towns near the principal battlefields, repeating the familiar formula that Russian captives were to be brought to court and questioned about their faith. There were apparently no disputes, as in the 1740s and 1770s, over owners hiding captives or claiming they had converted—even though it appears owners received no compensation.⁵² This continued practices after the war with France ended in 1802, and after the Treaty of Bucharest.

Because captured Russian soldiers were held by the state, and because Ottoman forces had few opportunities to enslave enemy noncombatants, it appears that almost the only Russian subjects held in private hands were deserters. For example, Frary recounts that in 1830 the Russian vice consul at Thessaloniki sent his dragoman to free four soldiers, two of them officers, said to be held at Trikala in modern-day Greece. It turned out there were really only two Russians, not four; they were all that remained from a group of six, of whom one had died and three had already left the town. None were officers, but all were deserters. They were “bad subjects” who had “embraced Islam,” taken Muslim names, married local women, and had no desire to return. Despite offers of cooperation from the local authorities, the dragoman returned to Thessaloniki without the deserters.⁵³ Likewise, in Sofia, two deserters were found and returned, while a third, having converted, was not. Local authorities in Sivas also released a few captives.⁵⁴

⁵⁰ BOA-DVEd 83/1 p228; Noradounghian, *Actes Internationaux*, 1900, II:172–3; Mahmud Mesud, *Muabedat*, IV:79; PSZRI #3128.

⁵¹ BOA-HAT 1029/42830, 1069/43770E; TNA-FO 78/180 #34; Rozalion-Soshal’skii, *Zapiski Russkogo Ofitsera*, 88, 110–13.

⁵² This is based on a review of BOA-DVE 34, 35, 36, 317, 90/8, and 91/9, and searches of the Cevdet and HAT collections through June 1830.

⁵³ Frary, “Russian Consuls,” 49. The quotations are his, from the original Russian sources.

⁵⁴ BOA-CHR 3078, 8112; BOA-HAT 777/36432D, 777/36432J.

The 1828 War, then, saw both continuities and the changes in the Ottoman prisoner-of-war system. Mahmud's initiatives moved the experience of captivity for Russian soldiers ever further from what it had meant for galley rowers—and further from what it still meant for Ottoman rebels, or for slaves from Africa and the Caucasus. Captivity was a fate suffered by soldiers, in the course of their duties. It was risky, uncomfortable at best, and possibly fatal, but accepted as a part of war. A letter to one captured officer from his compatriots, captured and translated by the Ottomans, summed this up: “although imprisonment may cause you hardship,” they told the captive, “you are of the military class. Endure.”⁵⁵

More broadly, Russians now recognized the Ottoman prisoner-of-war system as similar to their own practices. Indeed, one diplomatic letter conveyed Nicholas's pleasure that the Porte, “unlike in previous times, observes the European customs.”⁵⁶ The British traveler MacFarlane likewise claimed that the general principle underlying Mahmud's orders was to treat their prisoners of war “as the Christians treated theirs.”⁵⁷ Since the Ottoman prisoner-of-war system had taken shape in the late eighteenth century, European observers had been able to discuss its merits compared to their own practices; now MacFarlane went one step further and saw captivity as a proxy for the Ottoman Empire's larger identity: Mahmud “had taken his place among the civilized sovereigns of Europe.”

We will see that in the coming decades, this struggle for “civilized” status through the laws of war would become a common feature of European, and then Ottoman, discourses. But at this moment, both Nicholas and MacFarlane were recognizing similarities, not identifying causes. Mahmud's measures were not entirely new, and to the extent that they were, they drew on existing principles and responded to his own needs. He and his advisers discussed considerations of reciprocity, the need for military labor, and the Islamic legal principle of “reprisal in kind,” rather than any generalized desire to imitate Europe. The invocation of “humanity” could be read as responding to the growing European movement of “humanitarianism,” but there is no reason to assume this, and in any case it was a single reference for a policy that already had ample justification as a form of benign reciprocity. Likewise, Rozalion-Soshal'skii's appeals to European conceptions of law or rights carried far less weight than long-standing practices like invoking personal connections—now heightened by the symmetry between the Russian and Ottoman officer corps.

Mahmud made his own, quite different, grand claims about Ottoman identity during the 1828 War—but these had little effect on captivity. Building on the religious rhetoric and popular mobilization of the Greek War of Independence, the sultan declared Russia to be “at all times the sworn enemy of Islam.”⁵⁸ Even routine mobilization orders in 1828 referred to “the natural enemy of the Islamic

⁵⁵ BOA-HAT 1015/42491E. This largely concurs with Taki's independent conclusions: Taki, *Tsar and Sultan*, 90; Taki, “Horrors of War,” 279. For a somewhat similar story of changing perceptions of captivity in France, see Weiss, *Captives and Corsairs*.

⁵⁶ BOA-HAT 1072/43862.

⁵⁷ MacFarlane, *Constantinople*, 46–7.

⁵⁸ Jelavich, *Balkan Entanglements*, 83.

community.”⁵⁹ Mahmud thus deployed the concept of jihad in an innovative attempt to persuade Muslims that, rather than a political conflict “about land and boundaries,” this war deserved greater sacrifices from the emerging “Ottoman public” (and perhaps especially from conscripts).⁶⁰ Yet this was a matter of rhetoric, not of law or practice. Even though enslavement was a corollary of jihad in Hanafi law, few if any Russian soldiers were enslaved. It remained legal to enslave enemy civilians, but Ottoman forces had few opportunities to reach them. If this was a jihad, it was one conducted according to the rules worked out with Russia and other rivals over previous decades, and now modified due to the Ottoman state’s changing interests as Mahmud’s new army took shape.

CONTINUITIES AND COMPARISONS IN THE CRIMEAN WAR

These same factors affected captivity when the Ottoman Regulars next took the field against Russia, in 1853. There were over 200,000 of them now, some in the Balkans and others in eastern Anatolia.⁶¹ They were supplemented by many much less disciplined irregulars. But they also had allies: British and French forces arrived to fight side by side with the Ottomans in Crimea, the Balkans, and the eastern Black Sea. The result, Candan Badem shows, was an unprecedented level of Ottoman European contact.⁶² For our purposes, this meant that Ottoman and European prisoner-of-war systems functioned side by side, and were even intertwined, allowing us to compare Ottoman and European practices in the same place and at the same moment. What we find is that the Ottoman prisoner-of-war system continued much as it had in the last war, and it resembled British and French captivity. European captivity practices had themselves changed over the preceding centuries, for a variety of reasons, but they had now converged with those of the Porte.

Ottoman soldiers, especially irregulars, were probably more likely to finish off wounded Russians on the battlefield than their allies were. As before, they sometimes beheaded both the wounded and the dead. However, this was contrary to official policy; the Porte reiterated Mahmud’s earlier orders not to kill prisoners. Officers offered soldiers in the Danube army 100 piasters for each *living* prisoner—not for enemies’ heads. Some wounded prisoners, rather than being beheaded or allowed to die, were given medical care alongside Ottoman soldiers. For example,

⁵⁹ BOA-ASKMHMd 27. ⁶⁰ Aksan, “Age of Transition,” 92–3; Erdem, “Greek War,” 78.

⁶¹ Badem, *Crimean War*, 103, 145–6; Şimşek, “Little Mehmeds,” 266. Though not a focus of this book, it is worth noting that it appears both sides kept captured combatants as prisoners of war during the intervening Ottoman conflicts with Mehmed Ali of Egypt in the 1830s–1840s: Fahmy, *Pasha’s Men*, 147, 196–7; Şimşek, “Military Recruitment,” 98.

⁶² Badem, *Crimean War*, 329. An independent discussion of captivity in this conflict, based on some of the same sources used here, is found in Köremezli, “War on the Danube,” 311–20.

twenty-five Russians, injured in the Battle of Shekvetili/Şevketil in the Caucasus, recovered there before being sent to Istanbul in November 1853.⁶³

Two European officers who commanded Ottoman armies may have influenced these policies. Ömer Pasha/Mihajlo Latas, a former Habsburg army cadet born in modern-day Croatia, led Ottoman forces on the Danube and later in Crimea, while the British Brigadier Fenwick Williams took command of the eastern Anatolian city of Kars during a protracted Russian siege. Both instructed their men not to kill prisoners or behead corpses.⁶⁴ But we should not overstate European influence, or difference. These policies were not new for the Ottomans, and British and French forces—both their own regulars and Ottomans recruited into irregular forces under European command—also killed prisoners on occasion. The Russians, too, were accused of executing wounded on the field. One British soldier admitted to his countryman, the traveler Adolphus Slade, that he had shot a Russian prisoner “because he was troublesome.”⁶⁵

All the allies plundered civilians. Slade claimed the British and French were worse in the Balkans, but the allies told their own horrifying tales of Ottoman soldiers killing and raping at Kerch in Crimea. Ottoman irregulars’ depredations, however, were particularly bad. The Regular soldiers of all three allies, by contrast, generally turned over captives (if still living) to their officers rather than selling or ransoming them. They all differentiated between combatants and the noncombatants who had been captured alongside them (like wagon drivers; the Ottomans may not have drawn such distinctions in earlier conflicts). The Ottomans sent suspected spies to the galleys. The Regulars did follow different captivity policies when dealing with internal revolts; in eastern Anatolia, wounded Kurdish rebels were left to die on the field.⁶⁶

What most distinguished the Ottomans was that they allowed the enslavement of civilians, and their forces, especially irregulars, took advantage of this—until the Porte banned it, as we will discuss in Chapter 10. A British observer noted that grown men now fetched so low a price on the general Ottoman slave market that captors could not sell enslaved soldiers, but only keep them locally for menial household chores.⁶⁷ Yet here again the Ottomans were not *entirely* unique. In August 1855, British officers discovered a Russian “boy” drunk in their camp. He had been the servant of a Russian officer until the officer was killed, and he himself was wounded, in battle almost a year before. He was kept aboard a British ship,

⁶³ BOA-AMKTNZD 100/100, 111/79; BOA-HRMKT 174/86; TNA-FO 78/955; Jaunez-Sponville, *Prisonniers de Guerre*, 387–8; Slade, *Crimean War*, 410; Lake, *Defence of Kars*, 222; Sandwith, *Siege of Kars*, 286; Badem, *Crimean War*, 55; Lemaire, “Guerre de Crimée,” 386, 401.

⁶⁴ BOA-AMKTNZD 111/79; BOA-İDH 288/18116, 290/18268; Jaunez-Sponville, *Prisonniers de Guerre*, 506; Sandwith, *Siege of Kars*, 248; Aksan, *Ottoman Wars*, 443.

⁶⁵ Slade, *Crimean War*, 340; Badem, *Crimean War*, 389–93; Lemaire, “Guerre de Crimée,” 386, 399.

⁶⁶ BOA-AMKTMHM 76/13; BOA-HRMKT 89/50; BOA-İDH-331/21638; AMKTNZD 100/100; TNA-FO 78/940, 78/955, 78/997; TNA-WO 28/182; Sandwith, *Siege of Kars*, 149; Slade, *Crimean War*, 258; Jaunez-Sponville, *Prisonniers de Guerre*, 380–1; Badem, *Crimean War*, 154, 159, 161, 170, 379–84; Lemaire, “Guerre de Crimée,” 393–4. Kurdish groups likewise did not follow the Ottoman state’s rules amongst themselves: Sandwith, *Siege of Kars*, 212–13; Erdem, *Slavery*, 47.

⁶⁷ BOA-HRMKT 118/50, 194/14; Erdem, *Slavery*, 45; Sandwith, *Siege of Kars*, 148, 333–5.

more likely working than as a prisoner, for seven months, before being released and sent back to the Crimea, where he returned to the camp with a British corporal.⁶⁸ While enslaving captives was legally impossible for the British, this nonetheless looked much like the kind of captivity for menial service that Ottoman irregulars practiced, on a much larger scale.

Most captured Russian soldiers, whether in Ottoman, French, or British hands, were sent to Istanbul. The European powers sent some back to France or Britain. The Ottomans housed many in the Arsenal, as was traditional, and others in the city's old Byzantine Hippodrome. Others were dispatched to the provinces; twenty-one Russians captured early in the war went to eastern Anatolia for the duration, while perhaps a hundred more were sent to a farm in Kütahya, about 300 kilometers south of Istanbul. The reasons are not quite clear, but it is notable that a number of refugees who fled to the Ottoman Empire after the 1848 European revolutions, including the famous Hungarian Lajos Kossuth, had recently been housed in Kütahya.⁶⁹

British and French armies cooperated with the Porte to house prisoners in Istanbul. The Ottomans moved their own captives, and a group of sailors, out of the Arsenal to make room for Russians in British custody. Later the Porte tracked down and returned four Russians who escaped from the British. When the allies needed more space in 1855, the Ottoman state ordered the Greek Patriarch to hand over two monasteries on the Marmara islands of Prinkipo/Büyükdada and Proti/Kınalı. The French moved 1,190 prisoners to the first island (and eventually perhaps as many as 3,500), while the British sent 900 to the second. This was the same group of islands on which the Ottomans had detained Rozalion-Soshal'skii and others in the 1828 War.⁷⁰

In Istanbul, prisoners were treated in a generally similar manner by all three allies.⁷¹ Benign and aggressive reciprocity continued to impel the Porte to improve Russian captives' treatment. Sultan Abdülmecid received a captured Cossack captain and presented him with gold coins, assuring him that he would not have to stay in Istanbul long (Tsar Nicholas I did the same, as he had in the last war). More substantively, Russian officers and enlisted men were supposed to receive rations, subsistence funds, and clothing equivalent to Ottoman soldiers'. While a French observer called the food "abundant and substantial," some prisoners complained that their cash allowance was insufficient. Late in the war, the captives petitioned to add tobacco to their rations. The prisoners could send letters home, and as in the past, a Greek priest was allowed to attend to them. Those who attempted to escape were put in irons, but others were not. It does not seem they were forced to work, but some did so, for pay.⁷²

⁶⁸ TNA-WO 28/182.

⁶⁹ Jaunez-Sponville, *Prisonniers de Guerre*, 471–3; Deringil, *Conversion and Apostasy*, 165; Nazır, *Osmanlı'ya Sığınanlar*.

⁷⁰ BOA-ADVN 107/51; BOA-HRMKT 113/76, 115/67, 120/19; TNA-FO 78/997; TNA-WO 28/182; Slade, *Crimean War*, 340, 354–65; Jaunez-Sponville, *Prisonniers de Guerre*, 404–5, 417, 444–5; Köremezli, "Rusya'daki Esir," 991.

⁷¹ TNA-WO 28/182; Jaunez-Sponville, *Prisonniers de Guerre*.

⁷² BOA-AMKTMHM 73/8; BOA-IDH 324/21064; Jaunez-Sponville, 374–7, 385, 404, 427, 529; Köremezli, "Rusya'daki Esir," 1019–22.

British, French, and Ottoman rations for their captives were comparable, though varied (and the British provided tobacco). All the belligerents accepted that prisoners should be treated in the same way as their own combatants: when a British officer expressed misgivings about housing prisoners in tents, a French general “observed that [the Russians] were soldiers, and that they were only treated as the French Soldiers are in the immediate neighbourhood of Constantinople, large numbers of whom pass the winter in tents.”⁷³ There were outbreaks of disease—such as cholera in the camp on Kınalı—but all three states operated hospitals to treat prisoners (including at Dolmabahçe, future site of an Ottoman palace). The Ottoman hospital, a European observer claimed, was in “no way inferior” to that of the French.⁷⁴ Unlike in previous Ottoman wars, an order of nuns and an international humanitarian network aided all the allies’ captives, as we will discuss in Chapter 10.

Conditions were worse for Ottoman captives held outside Istanbul. Those in Kütahya were supposed to receive the same rations as Ottoman soldiers, but in reality did not, and many of them died of illness. Only 33 or 34 (out of about 100) survived to be brought back to Istanbul in mid-1855. The Porte itself found this to be an unacceptably high attrition rate, and no more captives were sent to Kütahya thereafter.⁷⁵

The Ottoman state also continued, as in previous wars, to draw distinctions between captives based on religion, subjecthood, and whether they had deserted. So did the British and French. A few deserters who had originally abandoned Habsburg service for the Russian military were handed over to the Austrian ambassador, as a gesture of goodwill—echoing practices in the 1787 and 1806 Wars. All three allies separated deserters from captives taken against their will (as did the Russian military). The British, indeed, kept detailed lists of captives’ ethnicities, showing that minorities, like Poles, Jews, and Tatars, seem to have been more likely to have deserted. Drawing on this data, the Ottomans, with British support, recruited hundreds of Polish captives and deserters (some Jewish) to fight against Russia. Christened the “Polish Legion,” this unit was to be commanded by a Polish officer named İbrahim, a convert to Islam. The Ottomans had formed a similar force for the Habsburg pretender József Rákóczy in the 1735 war.⁷⁶

The status of captured Ottoman Christians, and Muslim Russian subjects, also drew on precedents. The former, the British consul at Bucharest suggested, were worse off than Russian soldiers: “It is reported,” he wrote, “that a Wallachian Officer (M. Paroumbari) has been taken prisoner—if he had been seized with arms in his hands, I fear the Turks may make an example of him.”⁷⁷ Muslim Russian subjects’ status had also fluctuated; they had been enlisted in the 1768 War, left imprisoned in the 1787 War, and released in the 1828 War. Now it came

⁷³ TNA-WO 28/182. ⁷⁴ Jaunez-Sponville, *Prisonniers de Guerre*, 376, 404.

⁷⁵ BOA-AMKTMHM 74/29; BOA-İHR 107/5285, 112/5462; BOA-İDH 324/21064; BOA-HRMKT 108/62, 112/69; Jaunez-Sponville, 385 404, 419, 429, 445, 471–3.

⁷⁶ BOA-HRMKT 169/29, 194/14; TNA-FO 78/991, 78/1042; TNA-WO 28/182; Jaunez-Sponville, *Prisonniers de Guerre*, 448–9; Köremezli, “Rusya’daki Esir,” 986–7, 1006, 1011.

⁷⁷ TNA-FO 78/945 #87.

full circle: on several occasions Muslim prisoners joined the Ottoman army, ostensibly “by their own request.”⁷⁸

During the war all three allied states exchanged captives with Russia through cartels: they traded captives on an equal basis, with soldiers counted and then weighted by rank. (A general, for example, might be worth thirty privates.) The Porte was slower to reach an agreement with Russia than were its allies, but even before that, when there were insufficient French soldiers in Russian hands, Ottoman troops made up the difference. While wartime prisoner exchanges were not new to the Ottomans—they had occurred in the 1768 and 1806 Wars—this method of ensuring equivalency was. Yet intriguingly, the Crimean War was also the *last* European conflict to feature such a cartel. Deserters, notably, were not included in the 1855 Ottoman–Russian prisoner exchange. It was traditional, Ottoman officials believed, that this would wait for peacetime. Beyond exchanges, the British returned at least a few Russians so badly wounded that they were “permanently unfit for Military Duty”—something the Ottomans did not do.⁷⁹

Thus, while Ottoman soldiers were perhaps more likely to kill, and sometimes to enslave, captives, the three belligerents’ state policies toward prisoners-of-war (not enemy civilians) were roughly similar. The Russians’ policies resembled those of the allies.⁸⁰ Yet the Ottomans still differed from their allies, and their enemies, in how they *justified* these policies. Early in the war, the Russian army asked the Foreign Ministry for guidelines on how to treat prisoners under the European customary international law of war, and distributed a set of guidelines based on this advice.⁸¹ Likewise, the French Marshal Jean-Baptiste Vaillant drew up a code for regulating prisoners of war, based on the Law of Nations, which the British also adopted. Such ideas were also invoked in the field.⁸² The Ottomans, during the Crimean War, drew on no such overarching rules. While their prisoner-of-war system was somewhat similar in *substance* to those of Britain, France, and Russia, it was still based on, and justified by, the Ottoman and Russo-Ottoman customs we have explored in previous chapters.

THE TREATY OF PARIS AND THE LAW OF RELEASE

Peace, like war, again revealed this tension between how captivity functioned in practice, and how it was legally justified by each empire. The 1856 Treaty of Paris was signed by all belligerents, and its sixth article dealt with captivity: “The prisoners of war will be immediately handed over on both sides.” This was straightforward, and with all belligerents holding prisoners of war in state custody, they were returned rapidly.⁸³

⁷⁸ BOA-AAMD 62/83; BOA-HRMKT 127/28; BOA-İDH 324/21064.

⁷⁹ BOA-AMKTNZD 157/43; TNA-FO 78/1042; TNA-WO 28/182; *Kırım Savaşı*, 159–61; Köremezli, “Rusya’daki Esir,” 1010–11; Neff, “Nineteenth Century,” 60.

⁸⁰ See Köremezli, “Rusya’daki Esir”; Lemaire, “Guerre de Crimée.”

⁸¹ See Köremezli, “Rusya’daki Esir”; Jaunez-Sponville, *Prisonniers de Guerre*, 503–24.

⁸² TNA-WO 28/182; Lemaire, “Guerre de Crimée,” 392.

⁸³ Jaunez-Sponville, *Prisonniers de Guerre*, 481–98; Noradounghian, *Actes Internationaux*, 1902, III:73.

Yet a few difficult cases still arose, and these presented questions the perfunctory treaty text could not answer. Who qualified for release? How was this determined? The Christian belligerents, among themselves, could find answers in the European Law of Nations. That was, after all, how they justified their wartime detention practices. The Ottomans and Russians, for their part, worked out the Law of Release in the eighteenth century to resolve the same questions. Previous peace treaties had explicitly renewed aspects of the Law of Release, but the Treaty of Paris did not. It could not, since it had to provide rules not only for Ottoman-Russian captivity but also French-Russian and British-Russian.

Yet when dealing with each other, both the Ottomans and Russia assumed that the treaty's gaps *should* be filled in with the Law of Release. This is apparent from the very few, but significant, cases of Russian subjects held in Ottoman slavery. The Porte continued the tradition of sending out orders for releasing captives—east to the Caucasus, west to Tekirdağ, and as far south as Mosul. Again in keeping with precedent, Russian diplomats submitted requests when they heard of their subjects held in private hands—in one case for three Russian soldiers captured in the Caucasus (probably by irregulars) and detained in the Balkans; in another case for a priest's wife held at Batumi.⁸⁴

When dealing with the few captives who remained in private hands after the war, the Porte took for granted that “those who accepted Islam from among the Russian soldiers who were truly captured in time of war” would not be returned. The Russian government agreed that captives might take Ottoman “subjecthood” “according to the established customs.”⁸⁵ Thus when an irregular leader in southern Anatolia was found to be detaining seven Russian deserters—three Poles, three “Russian Slavs” and one Muslim from Kazan—their confession that they were Muslims sufficed to keep them in the Ottoman Empire. Even the Muslim from Kazan could “convert” this way, which had not always been the case.⁸⁶ Likewise, soon after the war ended, a number of Russian Muslims enlisted in the Ottoman army, with French cooperation. Here, as with the Russians who converted to Islam after the 1806 War, Ottoman officials documented that each captive was acting without coercion, in case the Russian state later objected.⁸⁷

The Law of Release did change slightly, however, to accommodate the Tanzimat. Through the 1839 and 1856 Reform Edicts, the Porte had declared all those subject to the sultan's authority, regardless of religion, to be equal before the law. In the realm of captivity, this seems to have allowed the states to speak in terms of a shared, abstract category of “Ottoman subjects.” In May 1859, responding to a Russian claim that several of their subjects had been kidnapped, the Porte ordered the Governor of Erzurum that, to prevent claims from the Russians, those who, in changing their religion, “chose the subjecthood of the exalted sultanate” should

⁸⁴ BOA-AMKTUM 268/11; BOA-HRMKT 167/6, 174/86, 174/94, 192/33, 203/82, 278/78.

⁸⁵ BOA-HRMKT 289/49.

⁸⁶ BOA-HRMKT 194/14.

⁸⁷ BOA-HRMKT 144/2.

declare their decision in front of a consular representative, according to custom. They would then be “equivalent” to other subjects.⁸⁸

The Porte thus framed captives’ critical choice not as Christianity versus Islam (with the clear understanding that the latter meant remaining), but as Russian subjecthood versus a uniform, non religious Ottoman subjecthood. Conversion had long determined whether one would stay or go, but now it was presented simply as a proxy for Ottoman subjecthood. It is unclear if this changed the captives’ fate in any substantive way, but it does show the Law of Release could be adapted even to changing Ottoman conceptions of identity and governance. As Selim Deringil has shown, these shifting concerns created myriad questions about the relationship between religious conversion and subjecthood over the ensuing decades.⁸⁹

Overall, then, the status of military captivity in the 1828 and Crimean Wars shows the strength of Ottoman-Russian legal traditions, both through the prisoner-of-war system and the Law of Release. Even the Porte’s efforts to improve prisoners’ treatment in both conflicts built on the same factors that had been relevant to earlier conflicts: reciprocity, Islamic legal principles, and the Ottoman state’s military and political interests—even as Sultan Mahmud’s new reliance on a conscript army had changed what those interests entailed. By the time of the Crimean War, Ottoman practices had largely converged with those of their European allies, but this was not a matter of imitation or imposition.

Indeed, the persistence of the Law of Release, even without being referenced in the Treaty of Paris, shows that Ottoman captivity continued to be shaped by Ottoman and Eurasian customs, more than European. The Law of Release had come to resemble what modern legal scholars would call customary international law: a set of rules that became binding on states due to their long observance in practice, not due to a treaty. The European Law of Nations was itself mostly made up of customary international law—and it was these rules that British, French, and Russian military officers alike saw as binding in dealing with each other’s prisoners. But the Russians also seem to have taken for granted that the Law of Release would govern the postwar status of captives in the Ottoman Empire. Russia thus seems to have looked *both* to the European Law of Nations and to the legal traditions they had built with the Ottomans. This was arguably true also of Britain and France, if only latently: as we saw in Chapter 7, both of these powers had accepted the Law of Release after conflicts with the Ottoman Empire earlier in the nineteenth century. They might have done so again had they fought against, rather than for, the Ottomans in the Crimean War.

This partial convergence between Ottoman and European captivity demands further discussion. Neither this chapter, nor this book, seeks to hold up Ottoman practices or rules against those of Europe as if the latter formed a standard of good

⁸⁸ BOA-HRMKT 289/49.

⁸⁹ Deringil, *Conversion and Apostasy*.

conduct. As we have seen, European attitudes toward Ottoman captivity had hardly been constant over the preceding century. Recall that in the 1740s, diplomats were unconcerned about their protégés' Russian slaves; in the 1780s, they recognized similarities between European and Ottoman captivity; and by the early nineteenth century, the British condemned slavery entirely. But when, as during the Crimean War, three empires' captivity systems were brought into contact in the same place at the same moment, comparisons can become historically productive, prompting us to ask why similarities exist.

Ottoman–European convergence did owe something to the new Regular army, which was explicitly an attempt to match successful Russian and European military innovations (though not to imitate their cultures).⁹⁰ But this was only an indirect effect on Ottoman captivity, not direct. Reciprocity itself impelled convergence, as it provided a pragmatic reason for the Ottoman state to mirror Russian practices. The Porte continued to respond to its own interests, even as those changed with the advent of the new army. And it was not the only factor pushing the Ottomans and Europeans toward convergence. The Ottoman Law of Release and prisoner-of-war system had taken shape over the previous century as a result of Ottoman and Russian state interests and legal traditions, as well as captors' and captives' claims. In explaining their development, we should look less for one-way imitation or influence, than for complex, shared, and connected phenomena between empires.

⁹⁰ Aksan, *Ottoman Wars*; Anscombe, "Ottoman Reform."

10

Humanitarian Law

In early May 1877, a few days after the beginning of the 1877–78 Russo–Ottoman War, an official in the Ottoman Foreign Ministry was consulted “about the places the prisoners of war will be held within the [Ottoman] land[s] and the treatment they will receive.” The official, a British subject of Maltese descent named William Parnis, drew up a legal opinion in French. He held that the Minister of War could decide where and how to detain captives. All that the Law of Nations required was that they receive food and “suitable” treatment, and be “subject only to measures strictly necessary to prevent their escape.” Parnis was one of several European-born and trained advisors employed by the Foreign Ministry from the 1860s onwards.¹ His origins, his job, the language in which he wrote, and his reference to European customary international law all point to a new European influence on Ottoman captivity. This chapter explores that influence between the 1850s and 1870s.

Beginning with the Crimean War, Ottoman political, military, diplomatic, social, and cultural contacts with France and Britain greatly intensified, even as the empire undertook sweeping reforms.² While the Ottomans had long exchanged captives, practices, and ideas with Russia, Iran, Austria, and Poland, they now began to look to Europe and the Atlantic, as Britain and France became globally ascendant. This meant that the humanitarian movement, backed by European diplomacy, came to the Ottoman Empire. Humanitarianism, combined with Ottoman state interests, led the Porte to end the wartime enslavement of enemy civilians, specifically Georgians, during the Crimean War. When European states signed multilateral agreements codifying the European customary international law of war—the 1864 Geneva Convention, the 1874 Brussels Declaration, and the 1899 Hague Convention—the Ottomans did too. Finally, as Parnis’s opinion suggests, the Porte began drawing explicitly on the Law of Nations itself.

The structures and formal policies of the Ottoman prisoner-of-war system, as we saw during the Crimean War, were similar enough to those of European states that the Tanzimat-era Porte could do most of this without significantly changing its policies or the substantive rules it observed. With the critical exception of civilian enslavement (which we will discuss in a moment) what changed was not the content of the Ottoman rules, but their form. The Porte now grounded its behavior and its arguments in the same *sources* of law as other powers, looking to multilateral treaties (which were new to all the powers) and to the treatises of the

¹ HRTO 506/54; Genell, “Legal Counsel,” 260–1.

² See generally Badem, *Crimean War*.

European Law of Nations (which the Porte rarely did before, with respect to captivity). Yet here the difference between policy and *practice* became vital: during the 1877 War, it was clear that Ottoman forces, particularly irregulars, did not always obey the Porte's own rules. This touched off a highly charged debate over whether Ottoman observance of the rules was sufficient to qualify as a "civilized" state, a label with high stakes in this imperialist era. Yet throughout, this was a debate about *compliance* with the rules, not about what those rules were.

BANNING CIVILIAN ENSLAVEMENT

We saw in Chapter 9 that, when dealing with Russian soldiers during the Crimean War, Ottoman captivity was similar to that of their allies. Where the Ottomans remained different was perhaps in their soldiers' willingness to kill their enemies at the moment of capture, and more emphatically in allowing their irregulars to enslave enemy *civilians*. But this itself changed during the conflict—not only for reasons grounded in the Ottoman-Russian context, but for the first time through direct European influence. While other scholars have related some of these events as part of the history of Ottoman anti slavery measures, they should also be seen as part of the particular history of *military* captivity—connected with previous Ottoman-Russian interactions, particularly the Law of Release and the prisoner-of-war system.³

Civilian enslavement had long been a vital part of Ottoman wars, though it became less common in the face of Ottoman defeat—the last time Ottoman forces made a large-scale incursion into the territory of a rival empire was in 1788, against the Habsburgs. (Ottoman rebels, of course, had been enslaved in large numbers during the Serbian and Greek revolts.) In the Crimean War, civilian enslavement surged for two reasons: first, Ottoman forces on the eastern front won access to areas annexed by Russia after the last war. Second, the people of these areas—Georgia and Circassia—had long been trafficked in the Ottoman slave trade.⁴

This presented a tempting opportunity for Ottoman soldiers, especially irregulars. The British doctor Humphry Sandwith, who served with the Ottomans at Kars, claimed that "[p]arties of Bashi-Bozooks were constantly making expeditions over the frontier, and every prisoner they took they considered their own property."⁵ They abused and plundered villages, in the process—as the British consul at Erzurum said—"carrying off young boys and girls into slavery."⁶ "Young boys and girls" were especially desirable; older men less so. The latter were often killed, and their heads handed over to irregular leaders who still paid a bounty.⁷

³ For other accounts see Badem, 348–59; Erdem, *Slavery*, 44–5; Toledano, *Slave Trade*, 115–23; Erdem, "Slave Trade Controversy." My discussion draws on these works, particularly Badem's, and some of their underlying primary sources, as well as new documents.

⁴ Erdem, *Slavery*, 44–5, 103–7; Sandwith, *Siege of Kars*, 145.

⁵ Sandwith, *Siege of Kars*, 147.

⁶ TNA-FO 78/955 (20 Dec. 1853).

⁷ Sandwith, *Siege of Kars*, 129, 147.

The irregulars seem to have inherited the vernacular legal interpretations of Mustafa Vasfi, drawing on Islamic legal principles but also going beyond them. They attacked non-Muslims, especially Georgians, in both Russian territory (fair game in a jihad) and Ottoman territory (illegal except in declared rebellions). Once they felt the door was open to enslavement, they indiscriminately saw all non-Muslims as “one category of anathema,” and paid little attention to the specifics of whom they could legally target and whom they could not. They may have sought more than monetary gain, however: Slade argued that Muslim irregulars, resentful of reforms that improved non-Muslims’ position, “looked to the war as a means of reviving their waning dominancy over” the latter.⁸

The Ottoman Regulars’ involvement was more complex. The disciplined rank and file were probably less likely to enslave civilians, but they still did so.⁹ While British observers surely had an incentive to praise their allies, there is some truth in one consul’s claim that the Regulars “acted with humanity towards the inhabitants of the Russian villages they occupied.”¹⁰ The Regulars’ leaders, however, were far less restrained. Ottoman senior officers on the eastern front were, as Badem shows, often corrupt and incompetent, and they bought many of the irregulars’ captives. While a few officers kept young boys or girls as their personal slaves, most sold their captives—the officers had connections to imperial slave markets, especially to Istanbul, that their men lacked. The commanding general of the Batum/Batumi Army himself bought some—“the most beautiful...to send as presents to Constantinople,” likely currying favor with other officials. Another officer, Sandwith observed, “sent money to his poor relations, the fruits of his campaigning—for he had had the luck of capturing some slaves, one of whom he kept for his own service, but sold the rest.”¹¹ Those sent to Istanbul joined the existing Black Sea slave trade, which had long trafficked in Georgians and Circassians. The Russian empire had moved against the trade before the war, but British and French naval dominance in the Black Sea allowed it to resume.¹²

It was precisely British and French military involvement, however, that led to changes in civilian enslavement. The British and Ottomans hoped to secure the loyalty of Armenian and Georgian populations. They were initially successful, as Russian-backed Georgian militia defected to their side, and other Georgians enlisted directly in the Ottoman army. But as irregulars attacked Armenian and Georgian communities, these turned against the Ottomans. Ottoman officials worried that Georgian soldiers in Ottoman service were returning home to find their families gone, sold into slavery. British observers came to believe Georgians would rise up against any Ottoman forces not accompanied by European troops.¹³

⁸ Slade, *Crimean War*, 187. See also BOA-HRMKT 93/62; Badem, *Crimean War*, 154, 254; Erdem, *Slavery*, 45; Şimşek, “Little Mehmeds,” 270.

⁹ Badem, *Crimean War*, 154–5; Buzzard, *Turkish Army*, 98–9.

¹⁰ TNA-FO 78/955 (5 Dec. 1853).

¹¹ Sandwith, *Siege of Kars*, 147, 149. See also BOA-HRMKT 93/62; BOA-HRTO 221/6; TNA-FO 78/1042; Badem, *Crimean War*, 354, 382–3.

¹² Toledano, *Slave Trade*, 117.

¹³ TNA-FO 78/1042; Sandwith, *Siege of Kars*, 130; Slade, *Crimean War*, 176; Badem, *Crimean War*, 352; Toledano, *Slave Trade*, 118.

The same British officials, most notably Ambassador Stratford Canning, were hostile to the Ottoman slave trade and had previously tried to curb it. Now the geopolitics of the Caucasus provided Canning with another reason to press anti-slavery demands. He protested irregulars' depredations in both the Caucasus and the Balkans (though the latter apparently did not involve enslavement). If the Porte received British and French military support, Canning argued, it must consider British and French views on military practice.¹⁴

These appeals resonated with the Porte, which responded by issuing regulations for the irregulars in the spring of 1854. While these did not expressly outlaw enslavement, they claimed to place irregulars under "the same order and discipline" as the Regulars, and declared they would be punished for attacking villages, mistreating civilians, or taking their property. In general, it is unclear how these rules were enforced, and indeed irregulars' abuses continued long after the war.¹⁵

The Ottoman state took further efforts against enslavement in particular. After Canning warned in August 1854 that the continued slave trade jeopardized British and French support, Ottoman ministers met and agreed they needed to limit the Black Sea slave trade. Accordingly, in October the Porte directed the authorities in Trabzon and Lazistan, and the commander of the Batum Army, not to allow the buying and selling of Georgian slaves, and to return to their families any who were found. Less stringent measures were directed against the Circassian slave trade.¹⁶

A month later, the Commander of the Anatolian Army suggested more detailed regulations. He described the enslavement of Georgians as reprehensible (*makruh*), unjust, and, in fact, *already* illegal—because captives taken in wartime could not, under the *sharia*, become slaves without an order from the sultan. Perhaps more importantly, he reiterated that the enslavement of Christian children was helping the Russians turn these communities against the Ottoman state. New orders were sent along these lines, declaring that enslaving Georgians was illegal, and those who had been taken during the war should be set free. Moreover, all sales of such slaves would be unwound: sellers would refund the purchase price to buyers, successively, so that eventually the original captor would have to give up his own proceeds. These orders were widely distributed, with a first wave sent in December 1854 to the commanders of the Batum and Anatolian Armies, and the authorities in Erzurum, Trabzon, and Lazistan. In Sinop, local officials asked for extra copies to post publicly.¹⁷

It is probably not a coincidence that these orders drew on the same principles as the Law of Release. Able-bodied adult males who had converted to Islam (and been circumcised) would be enlisted in the army, ostensibly by their own desire.

¹⁴ TNA-FO 78/991, 78/994; Badem, *Crimean War*, 350, 379; Toledano, *Slave Trade*, 117; Erdem, "Slave Trade Controversy," 55–7.

¹⁵ TNA-FO 78/994 #227; Badem, *Crimean War*, 386–7.

¹⁶ BOA-AMKTUM 173/82; Badem, 350–3; Erdem, *Slavery*, 102–5; Toledano, *Slave Trade*, 117–18.

¹⁷ BOA-AMKTMHM 63/41; BOA-HRMKT 93/62, 96/99, 97/16; BOA-AMKTNZD 118/51. See also Badem, *Crimean War*, 353; Erdem, *Slavery*, 44–5; Toledano, *Slave Trade*, 115–23.

Other males who had not converted would return home, if they wished. Females who were old enough and had converted would be married.¹⁸

Although some high-ranking Ottoman officers continued to hold enslaved Georgians, and others were reluctant to enforce the orders, a number of captives were set free according to these rules.¹⁹ For example, when four Georgian slaves were found in the jurisdiction of the Batum Army in the spring of 1855, the Porte and the army commander agreed that two young men, who did not want to return home, would be enlisted in the army. A young woman who also desired to stay was to be settled in “a suitable place” and provided an allowance until she married. The fourth captive, a woman with small children, would return to Georgia as she wished.²⁰

The same year, the Porte ordered the Governor of Trabzon to find the person who had sold two Georgian children to a slave trader named Hasan. This seller was to refund Hasan the purchase price, plus expenses. The two children were said to have converted to Islam. One was to be enrolled in an imperial school and the other was to be given to a man named Esad Pasha, “by reason of being found in his [Esad’s] family.” This may have implied that Esad had held the child as his slave, and now would take the child back as a ward. Two months later Hasan won a similar claim against a different man, concerning two other enslaved Georgians. As in the past, there was some degree of evasion from slaveowners, taking familiar forms like sending captives away or possibly false claims of conversion.²¹

These cases show both the similarities and differences between the Porte’s practices here and the Law of Release. In a break with the past, converts were to be freed rather than left with their owners. But the captive who was already held by Esad, and remained as his “ward,” suggests this may have not have made a real difference. The rules also explicitly referred to Georgians’ own desire to stay or return, something absent from the Law of Release. Yet this, too, may have meant more in theory than in practice. The rules said nothing about captives who had converted but did *not* wish to marry or join the military. This suggests that, despite the new language, Ottoman officials still understood conversion as fundamentally altering one’s status; that was the choice one made—not explicitly whether to stay or to go.

The Porte’s orders also did not require the release of slaves held since before the Crimean War—in other words, those trafficked into the empire rather than taken in war. Such Georgian slaves could, however, no longer be bought or sold, and the Porte suggested that owners treat them well, lest they flee to foreign consulates—which would not return them. If these captives came from Russian-controlled

¹⁸ BOA-AMKTMHM 63/41; BOA-HRMKT 96/99, 97/16, 110/37; Badem, *Crimean War*, 353. Rules for freed African slaves in the Indian Ocean trade from the 1840s also existed, but do not seem to offer as many parallels: Toledano, *Slave Trade*, 104. Erdem also sees continuities, in much more general terms: Erdem, “Slave Trade Controversy,” 67.

¹⁹ BOA-HRTO 221/6; Badem, *Crimean War*, 353–5; Erdem, *Slavery*, 45; Toledano, *Slave Trade*, 121–2.

²⁰ BOA-İDH 319/20689.

²¹ BOA-ADV 102/76; BOA-AMKTUM 177/63; Erdem, “Slave Trade Controversy,” 70–4.

Georgia, their enslavement would have been illegal before the war, but the Porte surely saw no need to enforce its treaty obligations to Russia while at war with that power. However, Ottoman and Russian officials did coordinate occasionally when freed Georgians returned home.²²

These orders were partly a result of British pressure, particularly from Canning. Even though many of the captives concerned were Russian subjects, there is no indication of Russian state involvement in making these new rules (despite the Porte itself perhaps drawing on the Law of Release). Ottoman–Russian agreements of course were in abeyance during wartime. Moreover, when the war ended, Russian diplomats do not seem to have used the Treaty of Paris to seek previously enslaved Georgians. This continued the tacit understanding developed through Peterson’s note after the 1768 War: the Russians had a right to demand their own subjects’ release, but not that of others, and their main focus was those enslaved in wartime by Ottoman forces, not trafficked into the empire. It is also notable that despite the sentiments of some British diplomats, Ottoman measures against Georgian enslavement were not implemented through a new treaty. Nor was the Black Sea slave trade issue included in the Treaty of Paris,²³ which instead continued the tradition that the Law of Release applied only to Russian subjects. The Porte issued its own decrees; British pressure led to Ottoman action, rather than to bilateral agreements.

However, even in responding to British demands, Ottoman officials still justified their actions through Islamic law. For example, Mustafa Reşid’s orders (following the Anatolian Army commander’s suggestion) argued that the enslavement of Georgians was illegal because the sultan had not authorized it. It was true that, in the Hanafi school, the sultan could determine whether captives would be enslaved. But it had long been assumed that in any imperial war against a non-Muslim enemy, enslavement was legal unless directed otherwise. Now the Porte reversed that assumption, claiming enslavement was *illegal* by default. This was a deft move, sharply curbing legal enslavement without challenging either the Islamic legal tradition or the practices of past centuries.²⁴ The Porte also seems to have drawn on the Law of Release in adjudicating captives’ status, as we saw above.

However, perhaps reflecting the arguments of the British, some Ottoman officials also spoke in terms of new principles that went beyond the Hanafi or Ottoman-Russian traditions. These measures, the Mutasarrıf of Lazistan noted, warded off enslavement, which was not only contrary to “the humanity” of the *sharia*, but also a matter “to be greatly guarded against between states.”²⁵ Likewise, the Batum Army Commander told his British and French allies that antislavery initiatives evidenced “progress in my country.”²⁶ And at one point, the Porte even

²² BOA-HRMKT 110/37; Erdem, 75.

²³ BOA-HRTO 221/6; Badem, *Crimean War*, 354; Erdem, “Slave Trade Controversy,” 78.

²⁴ Erdem suggests this was a statement of fact, rather than a novel interpretation: Badem, *Crimean War*, 352–3; Erdem, “Slave Trade Controversy,” 63.

²⁵ BOA-AMKTUM 180/6.

²⁶ Toledano, *Slave Trade*, 121–2. For further examples of such language, see Erdem, “Slave Trade Controversy,” 63, 66.

urged its ally the rebel leader Imam Shamil in the Russian Caucasus, to treat his captives “according to international rules” in order not to upset the British and French.²⁷ Ottoman officers in the Crimean War did not generally justify their actions based on the European Law of Nations. Yet here, concepts from the European discourses of progress, humanitarianism, and “civilization” were entering official language.

As Badem, Erdem, and Toledano have shown, these Ottoman efforts to curb enslavement during the Crimean War, and the Ottoman internalization of European demands, foreshadowed and perhaps shaped wider measures after the war ended. The Porte became a “patron state,” intervening in relations between captors and captives on behalf of the latter.²⁸ This resembled, and may have built on, earlier Ottoman policies for Russian slaves. Likewise, the Ottoman state, acting haltingly and sometimes (but not always) under British pressure, curtailed the slave trade with Africa, across the Indian Ocean, and in the Black Sea, while Sultan Abdülhamid II signed treaties against the trade in 1880 and 1890.

It may be that, as Erdem suggests, the events of the 1850s manifested “a new ethical approach under the impact of modernity” that “de-legitimized” enslavement through war.²⁹ But we have seen that other changes in military captivity—the Law of Release and the prisoner-of-war system—have a longer history, and can be traced much more readily to the state’s own varying interests, and only indirectly, if at all, to European ideas. Rather than generically de-legitimizing all enslavement in wartime, the Porte had, step by step and contingently, removed enemy subjects from slavery *after* wars, and then soldiers from slavery *during* wars. Now it also removed enemy subjects—which many Georgians were—in wartime. When seen as part of the story of Ottoman military captivity, this move appears to be based on the same contingent, but familiar, factors as previous state decisions. This is a separate history from that of Ottoman anti slavery itself, even though the two were entwined—and even though the end result was indeed that war ceased to be a means of acquiring slaves.

WARTIME HUMANITARIAN ORGANIZATIONS

In the Atlantic World, anti slavery efforts contributed to a broader humanitarian movement, which aimed to alleviate other types of suffering—including that of wounded, sick, and captured soldiers in wartime. The Ottoman and Islamic world certainly had traditions that would qualify as “humanitarian” or at least charitable—as we saw, officials at least once used the term “humane” in the 1828 War—but it was this nineteenth-century European movement that generally receives credit for

²⁷ Badem, *Crimean War*, 204–5.

²⁸ Toledano, *Silent and Absent*, 108–9. See also Erdem, *Slavery*; Toledano, *Slave Trade*; Badem, *Crimean War*, 350–9; Frank, “Children of the Desert.”

²⁹ Erdem, “Slave Trade Controversy,” 54.

contributing to the modern codified rules of war and to the institutions that support them.³⁰ The movement came to Istanbul during the Crimean War.

Florence Nightingale, who cared for British soldiers during the conflict, is most famous, but the Russian Grand Duchess Elena Pavlovna organized nurses to tend her own state's wounded.³¹ Similar efforts also reached prisoners of war, whom all three allies held in and around Istanbul. There, they received aid from an international network headed by wealthy aristocrat and attaché to the Russian Embassy in neutral Vienna, Prince Anatoly Demidov. While diplomats in Istanbul had provided ad hoc aid to Russian prisoners before (and some still did), Demidov organized more systematic efforts to help prisoners not only in the Ottoman capital, but also in Britain and France. The history of the Demidov network deserves a more detailed treatment, but for our purposes a brief sketch will suffice to show the early roots of wartime humanitarianism in the Ottoman Empire.³²

Demidov, as a Russian diplomat, could not travel to any of the allied states, so he relied on agents—in Istanbul these included the banker Jacques Alléon, the clergyman J.-F. Harent, and Alléon's secretary, Apollinaire Hübsch (who may have been related to the Hübsches who aided captives in earlier wars). Most important, however, were the Daughters of Charity. This order of nuns, headed by Mother Superior Sister Marie Lesueur, had a convent in Istanbul. Over 200 of its members did the work of nursing French and Ottoman wounded, and Russian prisoners. Twenty-five died of disease, at least four after catching illnesses from prisoners. In a sense, they carried on the tradition of the Jesuits and Lazarists who had tended to galley slaves in the Arsenal until the early nineteenth century.³³

Alléon's and Harent's correspondence suggests they dealt with the Porte much the same as the French and British governments, reinforcing Chapter 9's argument that the three states' prisoner-of-war detention systems were broadly comparable. Grand Vizier Mustafa Reşid Pasha and Foreign Minister Ali Pasha welcomed Alléon's first approach "with great eagerness," and were "extremely obliging," he wrote, immediately allowing one of the sisters to visit the captives.³⁴ The British and French were equally open, with the important caveat that the British made visits to their facilities difficult through almost the end of the war. The sisters, along with a doctor, tended to Russian prisoners in all three allies' hands, visiting the sick in the hospital every day, and the healthy in their various places of detention once a week. Harent wrote in September 1855 that "discipline, food, [and] habitation" had been improved, and that this had been "spontaneous on the part of the

³⁰ See Watenpugh, *Bread from Stones*, 8–14. See also Singer, *Charity in Islamic Societies*.

³¹ Figes, *Last Crusade*, 299–301.

³² BOA-HRMKT 89/69, 130/17, 134/35, 141/34. The best account thus far is Meurent, "Anatole Demidoff." See also Marmara, *Lape*, 31–3; Lemaire, "Guerre de Crimée," 396–7; Köremezli, "War on the Danube," 315.

³³ Ottoman documents mention Demidov (BOA-AMKTMHM 76/52; BOA-HRMKT 127/28, 129/34) but this account is mainly based on the network's correspondence: Jaunez-Sponville, *Prisonniers de Guerre*, 484–5, 499.

³⁴ Jaunez-Sponville, *Prisonniers de Guerre*, 359–61.

Ottoman government” without “foreign [diplomatic] influence.”³⁵ In general, the Demidov network’s efforts seem to have improved prisoners’ conditions, but the Porte had already been doing this since at least 1828. The lesson is not that European humanitarianism had fundamentally changed the Ottoman prisoner-of-war system, but simply that the movement had come to Istanbul, at this early moment in its history, and extended the Porte’s own efforts.

The Daughters of Charity remained after the war ended. In gratitude to the nuns and the French government, Sultan Abdülmecid donated land for them to open a hospital, La Paix/Lape, in Istanbul.³⁶ The Demidov network wound down, but Prince Demidov himself remained involved in what became an international humanitarian movement to help wounded, sick, and captured soldiers. The impetus came in part from the Crimean War, which the telegraph, the camera, and the newspaper industry famously brought to the attention of the British public—informing it, for the first time, of war’s true horrors and of officers’ neglect of their men.³⁷ But the movement truly blossomed a few years later, when the Swiss businessman Henry Dunant sought to petition French Emperor Napoleon III about a land concession in Algeria (which France had taken from the Ottoman Empire in 1830).³⁸ He found the emperor on the field of the Battle of Solferino in northern Italy, the climactic clash in the 1859 Franco–Austrian War. Dunant was a committed abolitionist, and upon seeing the suffering of wounded soldiers after the battle, he was inspired to pursue a similar campaign to mitigate their miseries. Just as the American abolitionist Harriet Beecher Stowe had mobilized public opinion against one “detestable practice” with her book *Uncle Tom’s Cabin* (1852), so Dunant hoped his work *Un souvenir de Solferino* (1862) would do the same.³⁹

It did. After the book was translated into several languages, activists on both sides of the Atlantic pressured states to sign a multilateral treaty in 1864 at a conference in Geneva, pledging to protect wounded soldiers and the medical personnel who aided them.⁴⁰ The Swiss government invited the Ottomans to attend, and officials at the Porte discussed the proposal. They noted that “all of the civilized states” would attend, and the Conference’s decisions would “concern all” states, before choosing a delegate, though ultimately he did not attend.⁴¹ The Porte, which had gained recognition as part of the Concert of Europe in 1856, most likely saw attendance as a way to maintain diplomatic standing. Ottoman officials saw nothing objectionable about the agreement’s provisions, which would “bring neither benefit nor harm.” (The French government reportedly had a similar attitude, and several states were suspicious of rules going any further than Geneva.) Sultan Abdülaziz indifferently acceded to the Convention in July 1865.⁴²

³⁵ Jaunez-Sponville, *Prisonniers de Guerre*, 364–9, 404, 438, 458.

³⁶ Marmara, *Lape*, 66–7.

³⁷ Figes, *Last Crusade*, 304–7; Howard, “Constraints,” 5.

³⁸ Bugnion, “Birth of an Idea,” 1302. See also Hutchinson, *Champions*.

³⁹ Bugnion, “Birth of an Idea,” 1306; Hutchinson, *Champions*.

⁴⁰ “Convention for the Amelioration of the Condition of the Wounded in Armies in the Field. Geneva, 22 August 1864,” *International Committee of the Red Cross*, <https://ihl-databases.icrc.org/ihl/INTRO/120>.

⁴¹ BOA-İHR 201/12008.

⁴² Akgün and Uluğtekin, *Kızılay*, 12–14; Hutchinson, *Champions*, 138; Noradounghian, *Actes Internationaux*, 1902, III:235–7; Witt, *Lincoln’s Code*, 342.

The Geneva Convention imposed new obligations on signatory states, and to help them meet these obligations, activists founded a new organization: the International Committee of the Red Cross (ICRC). This group coordinated the activities of National Committees in each signatory state. Like the Demidov network, Red Cross chapters were run by male elites, working across national lines to aid soldiers, but also relying on female participation and labor.⁴³ Its humanitarian principles sound similar to Demidov's "Christian philosophy and universal philosophy."⁴⁴ Indeed, he himself was in touch with the ICRC and Dunant, was invited to the convention at Geneva, and unsuccessfully suggested that the agreement extend to unwounded prisoners of war. When the Demidov network's correspondence was published a few years later, the proceeds went to the ICRC's French affiliate.⁴⁵

Despite their cooperation with the Demidov network, Ottoman officials were not enthusiastic about founding a Red Cross chapter, separate from the state, in the sultan's domains. The Red Cross's Christian symbolism did not help. Nevertheless, an Ottoman doctor, the Hungarian-born refugee and convert Abdullah Bey/Karl Edward Hammerschmidt, founded a (not very active) Ottoman chapter of the Red Cross in 1868.⁴⁶

MULTILATERAL TREATIES

The Geneva Convention, despite its fame (and its prominent successor agreements), was not the first multilateral treaty on the law of war. That came eight years earlier, in the same diplomatic conference that produced the 1856 Treaty of Paris, ending the Crimean War. Just 17 days after signing that agreement, the major powers—including the Ottomans—decided to codify the laws of war at sea (among other things, banning privateering) through the Declaration of Paris. This, Jan Lemnitzer shows, was the first "multilateral law-making treaty," and it set the pattern for "a spider web of legal obligations" by the end of the century. This included more mundane matters like telegraphy and postal services, but also rules on war, like the Geneva Convention.⁴⁷

These rules are most famous today for their attempts to limit suffering and constrain combatants, without favoring one belligerent over another.⁴⁸ While this may have been Dunant's goal, it was not shared by all codifiers, or all codifications. The Paris Declaration, notably, was not about humanitarianism but instead providing what Lemnitzer calls "house rules" to structure war—an institutional framework

⁴³ Dromi, "Good and Country," 72–4; Hutchinson, *Champions*, 189–90; Quataert, "Restraint by Law," 151–3.

⁴⁴ Lemaire, "Guerre de Crimée," 397.

⁴⁵ Meurent, "Anatole Demidoff," 108–16; Jaunez-Sponville, *Prisonniers de Guerre*, 3; Moorehead, *Dunant's Dream*, 20–9, 128–9.

⁴⁶ Akgün and Uluğtekin, *Kızılay*, 12–14; Hutchinson, *Champions*, 138–40; see also Tucker, *Middle East*, 100–1.

⁴⁷ Lemnitzer, *End of Privateering*, 3; see also Thomson, *Mercenaries*; Temperley, "Treaty of Paris," 412.

⁴⁸ See Meron, "Humanization."

allowing actors, particularly states, to coordinate their interests.⁴⁹ This did not necessarily make combatants or captives better off. These two goals came together, to a certain extent, through the Prussian-American scholar Francis Lieber. Lieber had fought briefly in the Napoleonic Wars, then against the Ottomans as a philhellenic volunteer in the Greek War of Independence, before emigrating to the United States, becoming a professor. In the midst of the U.S. Civil War, President Abraham Lincoln asked Lieber to prepare guidelines for the Union Army on the law of war. He did this in 1863, synthesizing European practices and treatises into a systematic code, known as General Order 100. Lieber, like Dunant, was concerned about human suffering, and the United States had already signed some of the first *bilateral* treaties regulating prisoners' conditions. But Lieber's approach was different from Dunant's, because he also sought to *win* a particular war, a war worth fighting for the end of slavery and the Union's preservation. His code, therefore, placed some limits on acceptable violence, but also authorized nearly anything necessary for victory. "Sharp wars," Lieber argued, "are brief," and thus minimized suffering. The tension between Lieber's humanitarianism and Dunant's, John Witt argues, has shaped the modern law of war.⁵⁰

Lieber's rules became relevant to the Ottoman Empire in 1874. Dunant called for a follow-up meeting to the one held at Geneva, seeking (as Demidov had) to extend the Convention to protect unwounded prisoners. The Russian government, however, had its own ideas. Within Russia, Peter Holquist contends, many elites embraced international law, partly as a way of "proudly affirming Russia's unambiguous role as a leading civilized nation to those Europeans who might doubt it."⁵¹ Tsar Alexander II thus convened one conference on the law of war in 1868, and took advantage of Dunant's initiative to call for another, broader meeting in 1874, addressing perceived abuses in the 1870–71 Franco–Prussian War. The Russian international lawyer Fedor Martens, who took the lead, rejected an expansive view of necessity (like Lieber's), but nevertheless drew on his code as a model for "a general code of the laws and customs of war which states were already observing."⁵²

All the major powers attended, including the Ottomans, though their role is unclear. The meeting produced the Brussels Declaration, a set of proposed rules that was largely based on Lieber's code. The Ottoman delegate signed the Declaration, but none of the signatories, including the Porte, ratified it. The Declaration thus remained nonbinding until another meeting, the 1899 Hague Convention (also convened by Russia), used its terms as the basis for a new, binding multilateral treaty on the laws of war. The Ottomans also signed that agreement, though Sultan Abdülhamid only ratified it eight years later.⁵³

⁴⁹ Lemnitzer, *End of Privateering*, 6; Morrow, *Order within Anarchy*; Horowitz, "State Transformation," 449–50.

⁵⁰ Witt, *Lincoln's Code*, 18; see also Krebs, *Merciful Enemy*, 271–3; Witt, "Suffering in War"; Quataert, "Restraint by Law"; Neff, "Nineteenth Century," 64.

⁵¹ Holquist, "Civilized State," 8.

⁵² Holquist, 5, 11–12; see also Witt, *Lincoln's Code*, 340–5; Boissier, *Solferino to Tsushima*, 287–9; Neff, "Nineteenth Century," 68–9.

⁵³ "Brussels Declaration"; "Guerre de 1877"; "Hague Convention (II) Parties"; Noradounghian, *Actes Internationaux*, 1902, III:371–80.

OTTOMAN POLICIES AND THE LAW

Signing treaties, and observing legal rules more broadly, was not new to the Porte. Signing *multilateral* treaties was—but that was new even for European states. So how revolutionary were the particular provisions of the Geneva Convention and the (nonbinding) Brussels Declaration, as they pertained to captivity? It appears that by the time of the Crimean War, Ottoman policies, and to some extent officially endorsed practices, largely but not perfectly fitted the requirements of the new agreements. However, this is not to say that Ottoman soldiers always followed official policy. The adoption of formal, codified law created a much clearer external reference point against which to judge both state policies and practices, and the actions of Ottoman forces—allowing new debates about *compliance*. (The following review is limited only to questions of captivity, not the law of war as a whole; Ottoman policies may have been less consistent with the treaties in other areas.)

The Ottoman state had repeatedly ordered its soldiers not to kill enemy soldiers, especially the wounded, at the moment of capture, which was consistent with Geneva Article 6 and Brussels Articles 13 and 35. But as we have seen, some Ottoman soldiers—especially irregulars—continued to do so, without consistent punishment. Some commanders probably even unofficially tolerated killing. Beheading the dead was not banned by these agreements, but it also continued despite Mahmud II's official prohibition. Enemy civilians, for their part, were guaranteed “[f]amily honour and rights, and the lives and property of persons, as well as their religious convictions and their practice” and protected against pillage (Brussels Arts. 38–9). Ottoman irregulars' enslavement and plunder almost certainly violated these terms, but the Porte had formally, if not wholly effectually, condemned such conduct during the Crimean War.

After enemies were captured, Brussels Article 23 placed them “in the power of the hostile Government, but not in that of the individuals or corps who captured them.” The Ottoman prisoner-of-war system, since the late eighteenth century, did precisely this. Once detained, prisoners' work generally seems not to have been “excessive or humiliating” (consistent with Brussels, Art. 25), though it may have aided the war effort (banned by the same article). Holding prisoners on the Marmara Islands probably satisfied the requirement that they not be “in confinement” (Art. 24), though the Arsenal might not have. Russian prisoners (notably Muslims) did join the Ottoman armed forces, but (ostensibly) they were not “compelled” to do so, which was forbidden (Art. 26). Each state was to support those it detained, generally “on the same footing as the troops” of the captor (Art. 27). Ottoman-Russian practice in the Crimean War, and the Treaties of Bucharest and Adrianople, accorded with this rule. Ottoman policy included “disciplinary punishment” and “harsher surveillance” on attempted escapees (allowed by Art. 28). The Ottomans had engaged in mutually agreed exchanges (as per Art. 30), though they apparently had neither offered paroles (their right, but not obligation, per Arts. 31–2) nor allowed their own officers to accept them (a state's prerogative,

Art. 31–2). This rendered Article 33, on punishments for parole violators, moot. In the Crimean War the Ottomans detained a few noncombatants found “in the vicinity of [enemy] armies but not directly forming part of them,” and treated them as prisoners of war (though with extra privileges, at Demidov’s request; this was consistent with Arts. 11, 34).⁵⁴ The Brussels rules allowed domestic law to determine the fate of spies (Art. 20), as it did for the Ottomans.⁵⁵

On the other hand, there is no evidence that the Ottomans repatriated those wounded men unable to return to the front (Geneva Art. 6; Brussels Arts. 13(c) and 35). Ottoman interrogations of prisoners sometimes went beyond the “true name and rank” required by the Brussels rules (Art. 29). Other areas of Ottoman captivity would not have been affected by these rules: they said little about postwar release, the main topic of the Law of Release. The ICRC initially believed that the Geneva Convention did not apply to internal rebellions, where Ottoman forces had most often killed or enslaved captives.⁵⁶ The civilian-protection articles of the Brussels Declaration likewise would probably not have applied to rebellions.

To discuss whether existing Ottoman policies complied with the new rules, however, is not to assume that *Europeans* always did. Beyond the question of whether soldiers always obeyed official policies, European and American armies systematically, and legally, behaved far more brutally in colonial wars than in intra-European conflicts. This could include execution, beheading, torture, starvation, sexual abuse, and forced labor for both combatant and noncombatant captives. At times European forces even beheaded enemies killed in colonial warfare. Lieber himself had embraced a broad concept of military necessity, which states could invoke to justify greater violence. This was especially true in colonial situations, where European powers argued that treaty rules were only binding when their enemies had signed the same treaty; they pointed to the lack of reciprocity in colonial contexts; they cast anti-colonial insurgencies as internal conflicts; or they reinterpreted the existing categories of treaty and customary law. They also relied on the scholarly distinction between “civilized” and “uncivilized” polities, with the latter—the victims of colonialism—outside the rules and protections of customary international law.⁵⁷

LEGAL DEBATES IN THE 1877 WAR

These exclusions, and the new rules more broadly, shaped the rhetoric of the Ottoman and Russian empires when they next clashed, in 1877–78. Here we see

⁵⁴ BOA-AMKTNZD 181/87; BOA-HRTO 420/43; Jaunez-Sponville, *Prisonniers de Guerre*, 381, 396, 403, 423, 445.

⁵⁵ BOA-IHR 107/5285.

⁵⁶ Moorehead, *Dunant’s Dream*, 125.

⁵⁷ See Kinsella, *Combatant and Civilian*; Webb, “Taking of Heads”; Witt, “Suffering in War”; Hull, “Colonial Warfare”; Mégret, “Humanitarian Law’s ‘Other’”; af Jochnick and Normand, “Critical History”; Smiley, “Lawless Wars.”

significant changes not so much in the practice of Ottoman captivity, but in how the Porte, and others, discussed and justified their actions.

The war began with the Christian states' objections to the brutality of Ottoman irregulars who sought to suppress unrest in the Balkans. This violence was of a different type than in Greece half a century earlier, however, partly because it was not accompanied by legal enslavement. The 1856 Reform Edict had declared Muslims and Christians equal, abolishing the status of *zimmî*—and making it impossible for rebellious *zimmîs* to become subject to enslavement. Thus while a few irregulars enslaved Christian children (perhaps illustrating a persistent vernacular law) this was clearly illegal—as Erdem says, more properly called kidnapping. Ottoman moves against slavery, and the waning market for slaves, probably also contributed. The irregulars' other abuses—murder, rape, and plunder—were christened the “Bulgarian horrors” in Europe. Irregulars also continued to behead those accused of rebellion.⁵⁸ Diplomatic clashes led to war against Serbia, Montenegro, Romania, and then Russia. The Ottomans, of course, lost.

During the war, Holquist argues, the Russians—and especially the lawyer Fedor Martens—sparked a legal debate by using their “precocious” role in codifying international law to vindicate their claims to be a civilized, Christian power, and to demonstrate the feasibility of fighting a war under the new rules.⁵⁹ They also condemned the Porte, echoing larger discussions of whether the Ottoman Empire was too “uncivilized” to be a legal equal of the European powers.⁶⁰ In Martens' words, the Porte “has shown itself, as in many other [way]s, an asiatic power, incapable of understanding the customs and laws of war adopted by the Christian and civilized nations.”⁶¹ The Russians issued a “catechism” to acquaint soldiers with the law, and declared early on that they would adhere to both the Geneva Convention and the non-binding Brussels Declaration (which they still endeavored to finalize in the summer of 1877). This “extend[ed] the observance of the laws of war—usually reserved for ‘civilized states’—to a state that many did not consider to be ‘civilized.’”⁶²

The Russians were not alone in condemning the Porte. Even before the war itself began, Gustave Moynier, president of the ICRC, was so troubled by the “Bulgarian horrors” that he abandoned his previous view on the inapplicability of the Geneva Convention to internal rebellions. The Convention, he argued, was “a kind of humanitarian profession of faith, a moral code which cannot be compulsory in certain cases and optional in others.”⁶³ Indeed, as Jean Quataert shows, the question of “Muslim cruelty” vexed the ICRC through the following decades.⁶⁴ During the war, the relatively new Institute of International Law (IIL)—the leading association of European international lawyers—echoed these charges. By

⁵⁸ Rodogno, *Against Massacre*; Eldem, *Death in Istanbul*, 188; Erdem, *Slavery*, 45.

⁵⁹ This section draws on Holquist, “Civilized State.”

⁶⁰ Rodogno, “Family of Nations.”

⁶¹ Martens, *La Guerre*, 472–5. This is a translation of Martens's *Vostochnaia voina i briussel'skaia konferentsiia, 1874–1878* (1879); see Holquist, “Civilized State.”

⁶² Holquist, “Civilized State,” 2–3, 15–16.

⁶³ Boissier, *Solferino to Tsushima*, 298–300; see also Moorehead, *Dunant's Dream*, 125–6.

⁶⁴ Quataert, “Restraint by Law,” 158.

allowing law-of-war violations, the IIL warned, the Porte might “put itself outside of international law.”⁶⁵

What were the abuses that so jeopardized the Ottomans’ status? Most generally, both the Russians and the IIL (and even at least one member of the Ottoman chapter of the ICRC) condemned the Porte for failing to educate its soldiers about the rules of war. Among more specific charges, some did not pertain to captivity, like the allegation that Ottoman forces had disrespected the Red Cross and had killed those who wore it, often deliberately (which we will discuss below). More notably for our purposes, the Porte was accused of allowing its soldiers to kill, even “systematically,” wounded and sick men, and to decapitate the dead. The former violated the Geneva and Brussels rules; the latter did not, though it may have been contrary to the customary Law of Nations.⁶⁶

Martens admitted that, once captured, prisoners were at least “not allowed to die of hunger,” and received (inadequate) medical care. But, the 600 or so Russians in Ottoman custody were “not given any liberty,” “put under rigorous surveillance,” treated like “criminals,” and interrogated. Such treatment was “justified by neither military law nor the necessity of war,” and would have been worse but for the German ambassador’s aid. He thus implied the Porte had violated Brussels Articles 24 and 29, though he did not refer to those provisions. Martens did not charge that the Ottomans had enslaved any captives (although this did still happen, rarely and without authorization), and indeed he assumed that enslavement was an obsolete fate for captives. He also alleged the Ottomans detained over one hundred “Abkhazians, Armenians, and Persians” alongside Russian soldiers, but it is unclear what codified rule this would violate, since the Brussels rules allowed the detention of noncombatants in enemy service, or spies, and of course criminals.⁶⁷

Martens had clear political motives, but his charges were only possible because of the structural convergence between Ottoman and European captivity. As in the 1787 War, recognition was a necessary precondition of critique. The Ottomans *had* prisoners of war, so now their detention policies toward those prisoners could be debated. In the late eighteenth century, that debate had been somewhat inchoate. Now it had a clear reference point, and clearer stakes. Ottoman compliance with the codified and customary law of war implicated their status in the family of “civilized nations.”

OTTOMAN RESPONSES

The Porte did not challenge that paradigm, but worked within it. In each case—the Red Cross, massacres, and detention—Ottoman officials accepted the same treaty and even customary rules as the Russians and Europeans, and argued that

⁶⁵ “Guerre de 1877”; Koskenniemi, *Gentle Civilizer*, 62; Mégret, “Humanitarian Law’s ‘Other,’” 305; Holquist, “Civilized State,” 16.

⁶⁶ Martens, *La Guerre*, 441–59; “Guerre de 1877”; Moorehead, *Dunant’s Dream*, 125–6; Hutchinson, *Champions*, 141, 144; Boissier, *Solferino to Tsushima*, 298–310; Quataert, “Restraint by Law,” 158. More lurid charges—like burying prisoners alive—were rare and seem less credible.

⁶⁷ BOA-HRHMŞİŞÖ 163/90; Martens, *La Guerre*, 353, 428–9, 441–59, 531.

they were complying with these.⁶⁸ This, more than the actual policy or practice of captivity, was the most notable change in the 1877 War.

The Ottoman Red Cross had nearly collapsed after its founder died, but it was re established on the eve of the 1877 War. Due to concerns that Ottoman Muslim soldiers saw the cross as an offensive symbol of hostile powers, the new chapter secured permission from the ICRC to call itself the Red Crescent instead. The same rank-and-file suspicion of the cross, the Porte claimed, explained why Ottoman soldiers had killed Serbian aid workers wearing the symbol. In return for a Russian commitment to respect the Red Crescent, and with the support of that organization, the Ottoman Foreign Minister wrote to the Swiss Federal Council in June 1877 to affirm that the Porte had instructed its forces to respect the Red Cross. However, in August, Grand Vizier Edhem Pasha admitted that such orders still had not been issued, as the Geneva Convention had not been translated into Ottoman Turkish. Abuse allegations continued.⁶⁹

At the same time, however, the Porte and British aid workers charged the Russian army with violating the Geneva Convention by disrespecting the Red Crescent and bombarding hospitals—charges Martens took pains to refute. Likewise, an Ottoman field marshal demanded the return of captured Ottoman medical personnel based on “justice, equity, and international courtesy,” as well as the Geneva Convention.⁷⁰

While the Porte was slow in issuing orders about the Red Cross, it did direct in September 1877—as it had in earlier wars—that officers were not to allow the killing of wounded captives (Martens did not believe this was enforced or promulgated adequately). The Porte repeatedly claimed that it treated prisoners well, and cared for the wounded in hospitals. One British-German officer in Ottoman service, Frederick William von Herbert, wrote that his unit received “strict orders—always obeyed and enforced, as I know from experience—to check excesses and bring offenders to book.”⁷¹

To the extent these orders were issued, their enforcement was far from uniform, and Ottoman soldiers (especially irregulars) still killed captives (especially the wounded). Even von Herbert, who reported that his unit took several hundred prisoners (some of them wounded), admitted that “[i]solated instances of barbarism will happen in every war and among the most civilised troops.”⁷² Another British writer, a surgeon in Ottoman service named Charles Ryan, described Circassian irregulars as decapitating “hundreds” of wounded men. But he also noted seeing another Russian captured, and treated well. And he recorded the apparent misgivings of a Kurdish soldier who, having killed a wounded Russian, pleaded that “it

⁶⁸ Berdal Aral has noted a similar, though a bit later, trend in Ottoman legal arguments generally: Aral, “Ottoman ‘School,’” 96.

⁶⁹ Martens, 441–8; Tucker, *Middle East*, 100–1; Akgün and Uluğtekin, *Kızılay*, 23–30; Boissier, *Solferino to Tsubima*, 298–307; Quataert, “Restraint by Law,” 157; Holquist, “Civilized State,” 15. The Legal Counsel’s archives do contain an undated translation: BOA-HRHMŞİŞÖ 235/22.

⁷⁰ Von Herbert, *Defence of Plevna*, 216–17; Martens, *La Guerre*, 448; Quataert, “Restraint by Law,” 160–1.

⁷¹ Von Herbert, *Defence of Plevna*, 207; Martens, *La Guerre*, 428–9, 451.

⁷² Von Herbert, *Defence of Plevna*, 207. Holquist, “Civilized State,” 14–15, emphasizes irregulars’ role and suggests British observers’ pro-Ottoman bias.

was war... [i]f I had been in the same position, he would have killed me.”⁷³ It is possible that more prisoners were killed than in previous wars; if Martens was correct that only 600 made it to Istanbul, this would be less than half as many as in the 1828 War. But we must remember the Ottomans were losing, and in one of the most prominent battles (the siege of Plevna), their forces were encircled, so may not have sent prisoners to Istanbul.

As with the Red Cross issue, the Porte also responded to Russian accusations in kind, charging that the tsar’s army, and its Bulgarian irregular allies, had massacred and decapitated prisoners, allowed thousands to die of exposure, and abused Ottoman civilians. British observers echoed these claims; one international lawyer even unsuccessfully proposed that the Institute of International Law condemn the Russians, as it did the Ottomans.⁷⁴

These debates largely revolved around, or at least implicitly referred to, the codified law of war. But as we see from Parnis’s legal opinion on detention, the Ottomans also looked to European customary international law. In providing guidelines for how the Porte should detain captives, Parnis did not reference the codified rules of the Geneva Convention or the Brussels Declaration—perhaps because the former was applicable only to the battlefield, not to detention, while the latter was not binding. (The later 1929 and 1949 Geneva Conventions provided more detailed rules.) Parnis did explicitly consider the Law of Nations. While he did not cite any specific treatises, his holding parallels a portion of Vattel’s text: “Prisoners may be secured; and, for this purpose, they may be put into confinement, and even fettered if there be reason to apprehend that they will rise on their captors, or make their escape. But they are not to be treated harshly, unless personally guilty of some crime against him who has them in his power.”⁷⁵ “Confinement” could also violate Article 24 of the Brussels Declaration, which may have been intended to codify this rule.

When Martens claimed the Ottomans treated prisoners like criminals, and confined them too rigorously, he implicitly argued that the Ottomans had violated these rules. This was a complaint Russians had made before, and it may have reflected a real concern about the conditions of detention, but in legal terms, as we have seen, the Porte had distinguished captured enemy combatants from criminals for a long time. Nevertheless, it seems European scholars saw the rules in this area as either weak or ambiguous. When Moynier of the ICRC drew up a new manual on the laws of war for the IIL in 1880, he added a provision that “the confinement of prisoners of war is not in the nature of a penalty for crime.”⁷⁶ This may have been an attempt to address Ottoman practice, just as the Brussels rules themselves had been written partly in response to perceived violations in the 1870–71 Franco–Prussian War.

Yet the broader story of the 1877 War was that the Ottomans were mostly criticized for failing to enforce and implement their own policies, not for deliberately

⁷³ Ryan and Sandes, *Red Crescent*, 162–3, 188, 264.

⁷⁴ Moorehead, *Dunant’s Dream*, 133–6; Hutchinson, *Champions*, 144; von Herbert, *Defence of Plevna*, 285–6, 464; Koskeniemi, “Tradition and Renewal,” 124; Holquist, “Civilized State,” 16, 33.

⁷⁵ Vattel, *Law of Nations*, III/1 §150.

⁷⁶ “Oxford Manual”; Gillespie, *Laws of War*, 164.

denying or violating substantive norms. Ottoman captivity practices were structurally similar enough to those in Europe that Ottoman officials could fully embrace both codified and customary law—and that the Ottomans could be criticized for failing to ensure their soldiers complied with these commitments. As others have indicated, the 1877 War—with its interpretations of customary and treaty law, appeals to humanitarian organizations, surveillance from the “international community,” and dueling resolutions from international organizations—looks much more like the twentieth- and twenty-first-century world than the past.⁷⁷

The Ottoman state itself had gone from making treaties and building customs with Iran and Russia, to extending those rules to other states, and then to signing multilateral treaties. Now, as the 1877 opinion on detention indicates, the Porte had taken one more step, accepting the European *customary* rules—which the Ottomans had not helped create—as the backdrop for governing captivity not only with western Europe, but even with their ancient rival Russia.

In some ways this was not new, since Eurasian empires had long exchanged ideas and practices. But the Ottoman acceptance of *this* set of rules reflected the ascendancy of the Atlantic world. In areas far beyond captivity, other scholars have shown, Ottoman elites found that to advance their state’s interests, they had to make arguments in the language of European international law—drawing not only on treaties but on the customary European Law of Nations. Precisely because of defeats in the 1877 War, Sultan Abdülhamid institutionalized the position of the Foreign Ministry’s legal advisers—like Parnis—in the new Office of Legal Counsel.⁷⁸

FROM THE LAW OF RELEASE TO THE NATIONALITY LAW

This acceptance of international legal interpretation and the customary Law of Nations did not necessarily negate the Ottoman-Russian rules, including the Law of Release, but it rendered them irrelevant. An example from the 1877 War’s aftermath makes this clear. Like the Treaty of Paris, the 1878 Treaty of San Stefano’s terms on captivity were brief, simply requiring the return of captives (and also an amnesty for Ottoman subjects involved in “the recent events”). Contrary to the Brussels Declaration, the treaty required the Ottomans to pay back the expenses of prisoners *returned* to them (presumably along with those whom they had detained).⁷⁹

Equally terse terms in the Treaty of Paris had been interpreted in light of the existing Law of Release. But now matters were different. In January 1880, the Russian consulate in Diyarbakir requested the return of four Russian Cossacks and infantrymen who had “previously come to Siirt district through captivity in wartime.” Those who were found—one of them serving in the Ottoman army—were brought before the authorities, where they declared that “with abandoning subjecthood of

⁷⁷ See Quataert, “Restraint by Law”; Koskenniemi, “Tradition and Renewal”; Holquist, “Civilized State.”

⁷⁸ Genell, “Legal Counsel,” 261.

⁷⁹ Noradounghian, *Actes Internationaux*, 1902, IV:520.

the aforementioned [Russian] state, they would not go [back]." This extended the importance of subjecthood seen after the Crimean War. These "soldier refugees" may have converted to Islam, but that was not mentioned. Instead, their choice to "abandon their subjecthood," and to remain in the Ottoman Empire, was dispositive.⁸⁰ Conversion apparently would have been relevant only insofar as it changed their subjecthood. Where the logic had once been that conversion, per the confession test, meant that one remained in the Ottoman Empire, now the logic was that *subjects* remained. Conversion might help make one a subject, but it was not the crucial legal factor in determining whether one would stay or go. The Russians themselves, after the 1877 War, allowed Ottoman prisoners of war to take Russian subjecthood regardless of whether they converted to Christianity.⁸¹

This reflected the reforms both empires had undertaken since the Crimean War. Through laws promulgated in 1864 (for Russia) and 1869 (for the Ottoman Empire), they sought to define and equalize subjecthood, while also fitting their own definitions into the framework of the customary European Law of Nations. While the Ottoman Nationality Law of 1869 was a domestic decree, Will Hanley argues that it used "the language of international law in order to address other states," part of a global trend toward "specification of nationality law." The law was intended to provide a uniform answer to "the state's ownership of its subjects"—to help draw the Ottoman Empire's subjecthood boundary.⁸² This was precisely what the Law of Release had previously served to do, first for one particular category of people (captives) and then for others (deserters, criminals, and refugees). But now the Law of Release was unnecessary, because captives and deserters were simply special examples of the many "marginal and difficult cases of shared allegiances"⁸³ that the Nationality Law aimed to resolve uniformly. The law was administered by the Foreign Ministry's legal advisers—and indeed, the case of these "soldier refugees," like so many others, was referred to them. The question was simply whose subjects (or whose nationals) these people were, and that would in turn determine whether they stayed or left.⁸⁴

The Law of Release, with all its attendant definitions and debates, was unnecessary in a world where affiliation with a state could be regulated by international law and statutes like the Nationality Law. The same was true for the prisoner-of-war system. Civilian enslavement had ended, but the status of enemy combatants had changed only insofar as the Ottomans, and their interlocutors, described, justified, and debated it based on different sources. Ottoman (and Russian) policies, and much more importantly soldiers' *conduct*, could now be held up against the new standards of the codified law of war, and discussed in the language of customary European international law—including by the Porte itself.

⁸⁰ BOA-HRHMŞİŞÖ 163/90.

⁸¹ Lohr, *Russian Citizenship*, 40. As Selim Deringil shows, conversion remained important in determining Ottoman subjecthood (including for Russian deserters as late as the early twentieth century), but it was not dispositive. Deringil, *Conversion and Apostasy*, 157.

⁸² Hanley, "Ottoman Nationality," 280–1, 285; see also Lohr, *Russian Citizenship*, 39–40.

⁸³ Hanley, "Ottoman Nationality," 277.

⁸⁴ See also the parallel situations in Can, "Protection Question."

Conclusion

The Ottoman and Russian Empires clashed again during the Great War (1914–18), which helped end both states' existence. As the conflict began, the Young Turk military junta controlling the Ottoman government used the rhetoric of holy war in appeals to Muslims under Russian, French, and British rule.¹ Yet, as in the 1828 War, the invocation of jihad did not mean that captivity was regulated only by the Islamic legal tradition—or by the Russo-Ottoman rules. Instead, the Porte again entrusted questions about captivity to the Foreign Ministry's legal office, to issue recommendations based on the Law of Nations and multilateral treaties like the Hague Convention (which the Porte had ratified in 1907).² Since the turn of the century, after territorial losses in Libya and the Balkans, Ottoman elites had lost confidence in the grand principles of international law, like the territorial guarantees of the 1856 Treaty of Paris, as a safeguard for their land and sovereignty. But they embraced the law as a structure for day-to-day matters like regulating captivity.³

As always, however, invoking a particular international legal rule did not mean joining a system wholesale, and it did not automatically entail complete compliance. Indeed, in the Great War the Porte engaged in widespread atrocities against its own subjects. Echoing a practice common in other genocide situations, some Armenian children were abducted and effectively enslaved by Ottoman Muslims, including military officers. This resembled slavery, and it may have reflected a surviving vernacular legal tradition justifying enslavement for non-Muslims—as well as the previous tradition of fewer protections for civilians, especially Ottoman civilians, than for enemy soldiers.⁴ Allied prisoners of war, too, were still sometimes mistreated or allowed to die, most infamously British and Indian troops captured at Kut-al-Amara. Ottoman soldiers were again accused of killing the wounded on occasion. But captives *were* prisoners of war. They were not enslaved, and the Ottoman state did not dispute that the law of war applied to their treatment, or that they would be released when the conflict ended. In fact the overall death rate of captives in Ottoman custody was lower than those in Russian, Serbian, or Romanian hands, and the Porte even joined Russia, Germany, and Austria-Hungary in negotiating an agreement in Stockholm governing the treatment of prisoners. Echoing earlier plans, the Ottoman state and its allies also considered recruiting Muslims, or ethnic

¹ See Reynolds, *Shattering Empires*; Aksakal, "1914 Jihad."

² BOA-HRHMŞİŞO 68/17.

³ Genell, "Legal Counsel," 271–2; Aksakal, "Ottoman Intellectuals."

⁴ Ekmekcioglu, "Politics of Inclusion," 528–31; Watenpaugh, "Genocide Survivors."

Ukrainians, captured from the Russian Empire. Here again, even amidst debates about compliance, there was an understanding that captivity was governed by rules, now anchored in codified and customary international law.⁵

Soldiers surrendering to the Ottomans in the Great War were thus in a similar situation to that of the sailors aboard the *Maria Magdalena* in 1787. From the standpoint of modern European legal or military history, there is nothing remarkable about the crew's capitulation, or their captive-turned-captor Mehmed's reassurance that "when peace is made, you will again be free." Of course, one could say, sailors on a warship, in a declared war, might accept temporary captivity as prisoners of war when they found themselves in a hopeless situation. Yet from the perspective of Ottoman history, the same anecdote appears quite different—why would Mehmed confidently claim, and the crew accept, that they would be held temporarily instead of being permanently enslaved? Why would they expect simply to return, rather than to face ransom, death, or incorporation into Ottoman society?

The answer lies in the story told in this book—of the Law of Ransom, the Law of Release, the Ottoman prisoner-of-war system, the benign and aggressive reciprocity of the reform era, and eventually Ottoman engagement with multilateral treaties and with the European Law of Nations. This had come about through interactions with the Porte's rivals—most of all the Russian Empire, but also the Polish-Lithuanian Commonwealth, Nadir Shah's Iran, the Venetian Republic, the Habsburg Empire, and, belatedly, the French and British empires. The Ottomans and their rivals had, this book argues, constructed their own international law of captivity, and a series of associated practices that bolstered it.

This broke with a long history of ransom and enslavement. First the Ottoman, Russian, and Iranian empires had agreed to end the payment of ransoms, and the Porte had created institutions and practices to find and release captives. These rules became a sort of customary international law, expected to be incorporated into treaties, elaborated through further unwritten rules, and considered binding even when—as in 1856—treaties did not explicitly reference them. This, in turn, required defining who would stay or who would go, especially as slaves and slaveowners made a variety of claims to secure, or prevent, release. Captives' political loyalties and affiliations—their subjecthood—became more important than their economic value for sale or ransom. Even religion was politically and legally defined through the circumcision and confession tests. In effect, the Ottoman and Russian states defined a subjecthood boundary between them, based on political ties and a legalized definition of religious conversion.

Partly in response to these rules, the Ottoman state then began collecting captured combatants in state custody, as prisoners of war. Here too, however, captives' own claims challenged, and defined, the edges of the rules. They asserted their rank as officers (which the Porte recognized); they worked; they converted (when allowed, and as legally defined); they escaped; and they even went on strike. Legal thinking,

⁵ Suny, *Armenian Genocide*, 259; Kant, *First World War*, 202–4; Reynolds, *Shattering Empires*, 133–4, 242; Rachamimov, "Military Captivity," 217; Ariotti, "Coping with Captivity"; Jones, "Missing Paradigm," 23, 40.

whether through principles drawn from treaties and customs or through reciprocity, structured the experience of captivity as it did the structure of captivity. Civilians remained vulnerable to enslavement, perhaps because the promise of plunder was an important way to motivate the irregulars who formed the backbone of the eighteenth-century Ottoman army.

As the rules became fully established around the turn of the nineteenth century, other Ottoman rivals—Austria, France, Britain, Poland, and Iran—began to embrace parts of them, broadening the law beyond the Russo-Ottoman context. At the same time, though, it became painfully clear that many were not protected by either the Law of Release or the prisoner-of-war system, or both. Rebels, some corsairs, and those trafficked into the empire were left out, largely based on their lack of political connections to powerful states.

Returning to the Russo-Ottoman context, we see that changing Ottoman state interests tied to the new disciplined, conscript army led the Porte to improve captives' treatment, within the same prisoner-of-war framework. But European power, and with it the influence of European ideas, was on the rise. During and after the Crimean War, European humanitarian movements, and associated codified rules of international law, came to the Ottoman Empire. These helped end the enslavement of enemy civilians, but their larger impact was not on practice but on how both the Ottomans and their rivals talked about international law. The Ottomans, like other states, entered the world of modern international law of war, in which universal acceptance of the same rules of captivity allowed lively debates about compliance and violations.

This story provides an alternate way of narrating the long history of Ottoman–Russian rivalry, and of the Ottoman Empire itself in an age of crisis, defeat, reform, and transformation. It particularly speaks to the histories of imperial governance, slavery, and international law.

Treaty rules on captivity required the Ottoman state's networks of power to accomplish new goals, beyond meeting the state's fiscal and manpower needs and maintaining order. Yet the eighteenth-century Ottoman state was reasonably successful in building practices and institutions to find, classify, and free captives, and also to seize prisoners of war in the field. This was limited, of course, by the state's uneven geographic reach, but even in places like Bosnia or Anapa, changing state practices forced local customs to adapt. The captive K  m  rc  o  lu Mehmed hinted at such limits when, according to Taylesaniz  de, he told the *Maria Magdalena's* crew that if they did not steer toward Istanbul, "the soldiers on the shores [of the Black Sea] will kill us all."⁶

Thus Ottoman defeat and state transformation went together; indeed, even the Russians sought after each war to leverage Ottoman state power, rather than undermine it. Veshnyakov, Peterson, and Khvostov needed the Porte to free captives. We also see paradoxes of Ottoman power emerging—the pre-Tanzimat state could, unevenly and imperfectly, collect captured combatants and free slaves after wars. Yet even the Regular *Nizamiye* army, the paradigmatic centralized institution of

⁶ Emecen, *Taylesaniz  de*, I:223.

the reform era, could never entirely prevent soldiers from beheading prisoners, or irregulars from small-scale abduction. The latter points to a larger dynamic of late Ottoman history, as Janet Klein has shown that Abdülhamid's reliance on irregular forces compromised centralization efforts.⁷

Returning captives pressed the Porte further toward a new relationship with those it ruled (and the freed slaves it decided to rule no longer). Where the Law of Release and the prisoner-of-war system did extend, captives' fates increasingly depended on their political affiliation with one state or another. This, too, is apparent from the fates of those aboard the *Maria Magdalena*. From the Spanish Lieutenant Zambeccari's abortive release to the sailors' postwar strike, captives' subjecthood and their religion, as determined by interstate definitions of religious conversion, could mean the difference between freedom and captivity, and between types of servitude.

That was the legacy of the Law of Release. Captors had once weighed the individualized prices their captives could command on the slave market, against the size of the ransom they or their associates could muster. The Law of Release did not initially specify precisely *who* was to be returned, or even what categories would be used to make that determination—apart from “Russianness” and “conversion.” The two states had to negotiate the boundaries of the release process over the ensuing decades, drawing on existing concepts: Russian subjecthood; Ottoman *zimmet*; military service to a state; and several aspects of conversion including the social role of circumcision, the doctrinal role of “conviction,” and the Capitulatory tradition of dragomans' certification. Russian power was not untrammelled, as we see from their failed attempt to broaden the Law of Release to cover all enslaved Christians, including Georgians and even Ottoman subjects. This was also not a purely top-down process, as both states were repeatedly forced to respond to claims by captives and captors who found novel ways to manipulate the rules. Something similar happened in wartime, as captives taken in military service attempted to negotiate their status by drawing on different definitions of subjecthood or conversion.

In the end the two empires drew a subjecthood boundary—defining who belonged to which empire. The details of the outcome were not predetermined, as again the case of Georgians illustrates. But the process as a whole foreshadowed the bureaucratizing, centralizing tendencies of the Tanzimat, especially with regard to conversion.⁸ Yet here we see such changes emerging much earlier, not out of state reform efforts or European pressure, but from political and diplomatic imperatives amid inter-imperial competition and exchange in the Eurasian and Middle Eastern context. These changes foreshadowed what was to come for Ottoman identities more generally.⁹ However, the Tanzimat itself affected the status of captives. Eventually the uniform definitions of state affiliation produced by the

⁷ Klein, *Margins of Empire*; see also Holquist, “Civilized State,” 14–15.

⁸ See Deringil, *Conversion and Apostasy*; Smiley, “Meanings of Conversion.”

⁹ This parallels the later role of imprisoned convicts, or conscripted soldiers, as “microcosms” of modernizing reforms: Schull, *Prisons*; Fahmy, *Pasha's Men*; for parallel concepts see Ward, *Networks of Empire*, 30; Foucault, *Discipline and Punish*; Doctorow, “Database Nation.”

1856 Reform Decree and the 1869 Nationality Law displaced the Law of Release entirely as a way to draw the Ottoman subjecthood boundary.

This was true of slavery more generally, as Ottoman state efforts to find and free Russian (and other) captives in the eighteenth century foreshadowed Toledano's nineteenth-century "patron state," intervening bureaucratically to aid slaves in some situations. More broadly, the Law of Release and the prisoner-of-war system helped create the world of late Ottoman slavery—mostly female, and largely African or Circassian.¹⁰ To be sure, Ottoman defeats in war, the end of large-scale raiding, and the fall of the Crimean Tatar Khanate were the largest factors in curbing the number of slaves entering the empire from the north. But at least several thousand people had their enslavement cut short through the Law of Release, reducing the enslaved Slavic population. A few thousand more soldiers and sailors—all men—were prevented from ever falling into private slavery. As the chronicler Şem'dânî-zâde anxieties illustrate, men were still important enough to Ottoman household slavery in the 1740s that their removal caused great elite consternation—and helped impel the Porte to define conversion carefully, with the circumcision test. The Ottomans redefined the line between slaving and no-slaving zones, including more and more people, and places, in the latter through treaties and customs. What made the difference, increasingly, was not geography itself, but imperial subjecthood.

More broadly, the Law of Release symbolized that for many—at least those with the right subjecthood—Ottoman slavery was no longer a liminal state between a previous life, gone forever, and a new one (of whatever sort) in the Ottoman Empire. It could be temporary, ended not by taking on a new role but by returning to an old one (including serfdom or military service). The Law of Release and the prisoner-of-war system also indicated that some types of slavery, though valid in the Islamic legal tradition, were no longer encouraged by the state. Indeed, those foreigners who did remain in captivity, during and after wars, were increasingly under state control or subject to state-sanctioned release, further marking off their captivity as inherently temporary. As the status of Georgians in the Crimean War indicates, the history of Ottoman military captivity joined with, and perhaps influenced, larger antislavery initiatives in the nineteenth century. These were clearly influenced by European pressure, but the story of Ottoman military captivity shows that other efforts had a much longer history, and flowed from contingent events and the context of Ottoman–Russian rivalry.

The end of legal enslavement, and the slave trade, worldwide is often seen as a moral triumph tied to international cooperation and international law. Indeed, international law itself, particularly through human rights, is one of the preeminent ways of talking about moral aspirations today, though Samuel Moyn has recently argued that this development is much newer than often assumed.¹¹ Debates about

¹⁰ See especially Toledano, *As if Silent and Absent*, 108–9; Zilfi, *Women and Slavery*; Toledano, *Slavery and Abolition*.

¹¹ See Martínez, *Slave Trade*; Moyn, *Last Utopia*; Appiah, *Honor Code*; Davis, *Inhuman Bondage*, 231–249; Hunt, *Inventing Human Rights*; Elizabeth S. Anderson, "Social Movements, Experiments in Living, and Moral Progress: Case Studies from Britain's Abolition of Slavery," Arthur Allen Leff Fellowship Lecture, Yale Law School (New Haven), Sept. 30, 2013.

warfare often revolve around the law of war, or international humanitarian law. That law is seen as a triumph of (Western) moral reasoning, and prisoners of war in particular have sometimes been portrayed as leading the way toward more humane warfare.¹² Critical scholars have instead emphasized the role of colonialism and exclusion in constituting international law, or the law's importance in justifying greater state violence.¹³ In each case the history of the law of war is primarily seen as centered in Europe and expanding outward.

The history of Ottoman military captivity looks very different, and defies common stereotypes. We do not see Ottoman engagement with European international law beginning in 1856 (or any other single date), or being marked by European rules displacing incompatible Islamic norms. Nor do we see a triumphant march of benevolent rules spreading from intellectuals into practice and from western European states to others. This is also not a story of malevolent European imposition on, or domination of, a non-western polity. Instead, we see state interests, outside of Europe, driving the creation of new rules and practices that sometimes, but not always, converged with those of the Atlantic world. European influence came unevenly, and late in the day, to the Russo-Ottoman rules of captivity. And those rules—like international law more generally—could give as well as take away from individuals. Some, like Russian prisoners of war, benefited, while others, like Greek rebels or African slaves, were left unprotected.

These rules were not purely Islamic, but the Ottoman state rarely saw a direct choice between complying with international obligations, or with the Hanafi legal tradition. They were made by arrangements with Russia and other states, most of them Christian. What we see is a regional system of international law created between two rivals outside of the European context, and then expanding to include other states—including some of the prominent powers of the Atlantic world. Such rules became necessary as the Ottoman and Russian states, like others, demarcated their boundaries and intensified relations (and conflicts) directly with each other, rather than through frontier polities like Cossack hosts or the Crimean Tatar Khanate.¹⁴

This was more complex and multilayered than one might expect. It was made through treaties, lesser agreements, reciprocity, and customs.¹⁵ Many of these rules and procedures, like the release of captives upon peace, the rules around neutrality, or the curbing of wartime enslavement, would have been recognizable in international legal terms to contemporary (or modern) scholars. Others were policies internal to the Ottoman Empire, but even they were made in the shadow of the Law of Release and prisoner-of-war system. The rules began with

¹² See, e.g., Neff, "Nineteenth Century," 70; Meron, "Humanization"; Green, *Law of Armed Conflict*.

¹³ See Mégret, "Humanitarian Law's Other"; af Jochnick and Normand, "Critical History."

¹⁴ Burbank and Cooper, *Empires*, 183. By "system" I mean a set of interlocking rules, not an all-encompassing order, as the term is often used for civilizationally defined systems, discussed in the Introduction. Others have gestured in the direction of regional custom or international law: Panaite, *War and Peace*, 323–8; Lesaffer, "Peace Treaties," 90; Benton, "Legal Spaces," 724. For the role of closing frontiers, see Boeck, *Imperial Boundaries*; Baud and van Schendel, "Borderlands," 215.

¹⁵ In this, it resembled the Capitulations, which were more than just agreements or charters: van den Boogert, *Capitulations*.

captivity, but they did not end there; the Law of Release went on to define the Ottoman-Russian subjecthood boundary more generally. This legal system is only visible when we follow the evolution of rules on a single topic across a relatively long period of time, to examine how they were deployed in different contexts, and how they interacted with the modern international legal system. Such a study illustrates possible alternate histories of international law, while also helping us understand the political, cultural, and social context in which these rules emerged.

While captors and captives asserted their own interests, those of the states were paramount; these rules helped many go free, but they were not intended to alleviate suffering. This law looks much more like an institution built by and for states, rather than an early form of humanitarianism.¹⁶ Moreover, rather than imitating Europe, the Ottoman and Russian states primarily acted based on their own interests, customs, and intellectual traditions. There were many roads not taken—for example, release without ransom might not have been reciprocal; it might have extended only to ethnic Russians; it might have included all Christians, or at least Ottoman subjects; conversion could have been defined differently; the Ottomans could have curbed civilian enslavement earlier; the Porte could have insisted that all Muslims should be treated as its subjects;¹⁷ the Law of Release and the prisoner-of-war system could have more systematically reached further beyond the networks of Ottoman state power, or could have been limited to Istanbul. There were good reasons why the Ottoman state, sometimes in collusion with the Russians and always in conversation with captors and captives, reached each of these decisions. The results were shaped, but not predetermined, by both empires' legal traditions and cultures, and by the language of the treaties. Nor were state legal interpretations hegemonic, though they have been our focus; vernacular interpretations of the Islamic legal tradition continued to influence irregulars, in particular.

The changing law and practice of Ottoman captivity is hard to explain by the single factor of whether the Porte was “inside” or “outside” the “system” of international law at any given moment. That discourse was certainly relevant in the late nineteenth century, when membership in the community of “civilized” nations acquired high stakes, but it was not for most of the period covered in this book. These were rules made between relative equals, which changed as Russian and European power grew, as Russia came to present itself as European, and as the Ottoman state itself transformed.

Given the relatively autonomous development of these rules, why did many of their substantive elements come to resemble those in western Europe? To some extent there was direct European influence, but only toward the end of this story. After all, European attitudes toward captivity were not static. European actors took a variety of different perspectives on captivity, and these changed significantly with

¹⁶ For such an approach to the laws of war from a political science perspective, see Morrow, *Order within Anarchy*.

¹⁷ In the Hamidian era, the Porte used the caliphate to make a somewhat similar claim, though with an uneasy relationship to international law: Can, “Protection Question.”

the nineteenth-century humanitarian movements aiming to abolish the slave trade and codify the law of war. European direct influence on Russia was more pronounced, and earlier, than on the Ottoman Empire, and by the late eighteenth century Russian elites were consciously presenting themselves as “European.” Yet direct attempts to imitate Europe were late and few in this story.

More importantly, we might look to a common Eurasian story of imperial challenges and responses.¹⁸ The Ottomans, Russians, and the empires of Europe shared the concerns of maintaining control, securing legitimacy, and mobilizing fiscal and human resources.¹⁹ More narrowly, the Ottomans and Russians both sought to free co-religionists from captivity; to vindicate imperial legitimacy; to foster reciprocity; and most of all to marshal military power by conserving and attracting manpower. Yet each empire was still unique. The similarities and differences between Ottoman and other rules of captivity may reflect that. The factors explored here—labor needs, intellectual and religious traditions, captives’ own attempts to negotiate, and reciprocity between states with differing or changing political and social organizations—also influenced the formation of prisoner-of-war systems in early modern Europe, and the somewhat different treatment of captives in the American War of Independence.²⁰ Here the Regular *Nizamiye* army looms large, as it reshaped Ottoman military interests and made them mirror those of the Russians more than before. Discipline and forbearance became important, as did preserving conscripts and professional officers who would return to service. That army was certainly based on European models, but it does not mean that the Ottomans had uniformly embraced a single entirely linked set of military and legal ideas. Practices of captivity still developed, step by step, responding to the Porte’s own interests, even as those interests changed. Moreover, the flow of legal ideas and policies was not unidirectional; as late as 1802, the French explicitly sought to join the rules the Ottomans had worked out with Russia.

Thus, long before there was direct European influence on Ottoman captivity, the Porte had evolved rules that looked structurally similar even while retaining features that were distinct to the cultural context (for example, the importance of conversion). We can go a long way—well into the nineteenth century, in this case—studying Ottoman international law without directly seeing overwhelming European influence. Further studies of different rules might help tell different, and even more diverse stories. We should not see the story of Ottoman engagement with international law as one of joining an outside system, or reluctantly accepting rules imposed by others. Both in the turbulent eighteenth century and the even more challenging nineteenth, the Porte—and to some extent its subjects—actively shaped the rules by which it was bound.

¹⁸ For similar concepts Benton, *Law and Colonial Cultures*, 28; and generally Burbank and Cooper, *Empires*.

¹⁹ See Rieber, *Eurasian Borderlands*; Burbank and Cooper, *Empires*; Barkey, *Empire of Difference*; Aksan, *Ottoman Wars*; Salzmann, *Tocqueville*; Mikhail and Philliou, “Imperial Turn”; Berkta, “Common Problems”; Subrahmanyam, “Connected Histories.”

²⁰ See Krebs, *Merciful Enemy*; Wilson, “Prisoners.”

The story of those rules connects the experiences of the *Maria Magdalena's* crew with those of George von Browne; Ivan's unnamed wife; Rabia and her son Ahmed's captive Vasil; the Georgian woman "Medea"; Major Rozalion-Soshal'skii; and even the legal advisor William Parnis. It is a story in which slaves became prisoners of war, captives returned home (and sometimes to servitude), and all interacted through the international law worked out between the Ottoman and Russian empires.

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